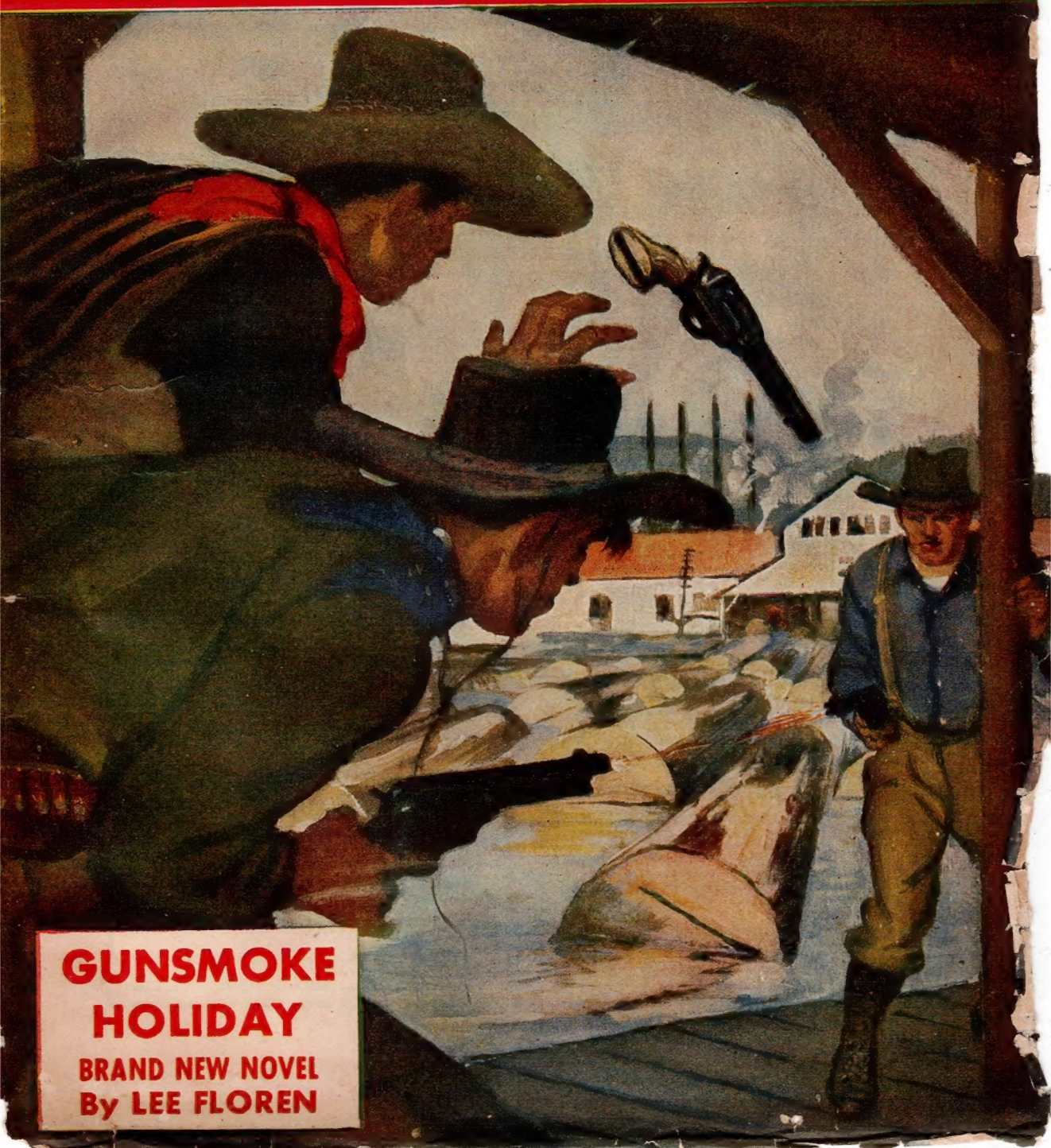


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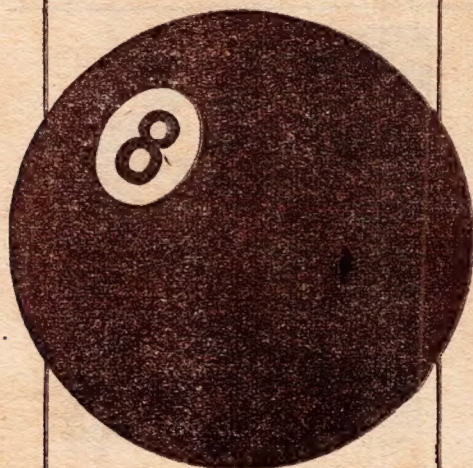
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Volume 10

September, 1947

Number 1

BRAND NEW BOOK-LENGTH NOVEL

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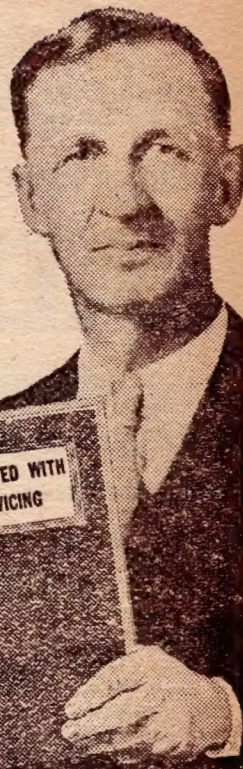
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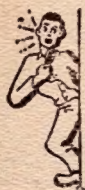
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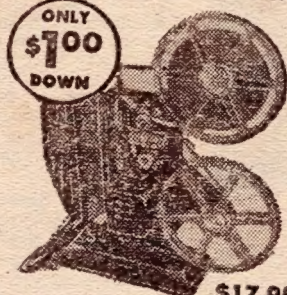
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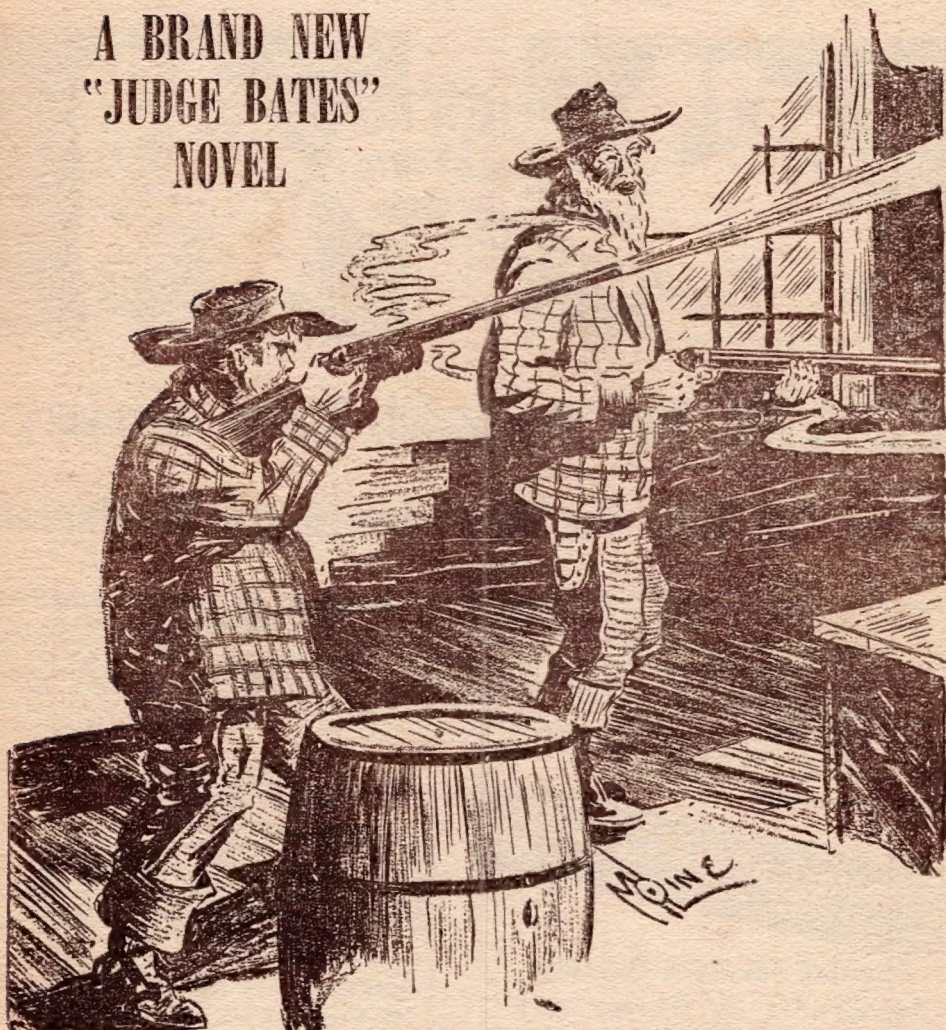
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GUNSMOKE HOLIDAY

By LEE FLOREN

A BRAND NEW
"JUDGE BATES"
NOVEL



Out on a peaceful fishing trip, Judge Bates and Tobacco Jones find a pair of old friends in a life-and-death struggle with a rival railroad and the wily jurist finds himself up against opposition worthy of his steel. And when legal trickery ended, then guns would speak!



CHAPTER I

THE MORNING had dawned bright and clear with a slow wind pushing through the Montana pines. And dawn found the heavy-set jurist, Judge Lemanuel Bates, plying his fishing tackle, dipping his fly-hook into the bright,

dancing waters of Nameless Creek. This creek was broken by beaver-dams that held pools of water behind them, and in these depths lingered rainbow—and brook-trout.

The judge fitted a new fly to his line, his heavy fingers tying the knot. "Yonder pool looks good," he told his companion, Tobacco Jones, who was threading his line through the loops of his bamboo pole, his right

cheek filled with fine-cut. Tobacco lifted his thin shoulders in a negligent shrug.

"Sure, it looks fine, judge. But again I say a trout is like a woman: a man can never tell what either likes or wants. Mayhap they will rise; mayhap they won't. All a man can do is try." This philosophy completed, he flipped his line out, letting the fly dance across the water. The hook swirled into a deep pool against the opposite bank, and the rainbow hit it with a hardness. The lanky postmaster flipped back hard, hooking the fish.

"You got him," the judge stated.

Tobacco grinned slowly, keeping his line taut. "For a while, at least," he grumbled. The rainbow was changing tactics; he was sullen now, lying against the bottom of the pool. Tobacco Jones was reeling him in, playing with him calmly; then he had him on the bank, his gills rising and falling as he fought for air. He was a nice specimen.

"Three pounds," the jurist murmured.

Tobacco said, "Closer to four," and looked at the judge, his glance belligerent and challenging.

Judge Bates smiled. He leaned his pole against a pine, careful not to entangle the line in the lower branches, and tapped his ever-present whiskey jug, drinking long of the hard liquor. This morning was too pleasant to spend in aimless discord; he said, "Yeah, reckon you're right, pard. Closer to four, I'd say."

"We'll fish for an hour or so, then go into Stirrup City," stated Tobacco. "There we'll wake up old Jim Lipp, make him fry our catch. He'll be surprised to see us, old Jim will. Been some years since we seen him last, huh, Bates?"

"Four years," the jurist said.

Tobacco Jones reflected, stroking his lean, whiskery jaw. "I'd say it was five years," he said.

And again Judge Bates smiled. "This daylight finds you in a belligerent mood, friend."

Tobacco spat on a fern. "Not belligerent, Judge. I like to stick to

facts, not to guesswork. I still say it was five years."

"Then five years it is," stated Judge Bates. "I'll take yonder fork of the creek, partner. We'll meet below undoubtedly and compare catches. Then we had best get into saddle and ride into Stirrup City to see our old friend."

"He'll be happy," said Tobacco.

The postmaster crammed the trout into the gunny-sack slung across his bony right shoulder and Judge Bates watched him amble into the brush. With the buckbrush hiding the postmaster, the jurist turned on his heavy hips and looked back into the clearing where their two saddle-horses and pack-mule were picketed. Assuring himself that their mounts and mule were tied securely, he strapped his jug to the leather belt around his thick belly, and followed the side-creek that undoubtedly looped around and re-entered Nameless Creek at a point below.

The wind was cool but not chilly. The sound of singing pines was in his ears, and the keen smell of pine-pitch sweet in his nostrils. He worked the creek slowly, sending his fly way out to land in riffles, letting it run back into the placid pools against the banks.

OVER TWO weeks before, he and his partner had left their home-town of Cowtrail, down south in Wyoming, to work their way north into Montana, there to visit an old crony, one Jim Lipp. They had taken their time, fishing in fast, quick creeks, living off the country as they had advanced. Midsummer was on the land and there would be no court session until fall; time had been heavy on the jurist's hands. And when Tobacco had broached the subject of the long vacation, the judge had risen to the lure the way a hungry trout rises to a fat anglerworm.

With Mrs. Higgins taking care of the postoffice, the postmaster and judge had gone north, enjoying this land with its largeness and cleanliness. The night previous they had made camp on Nameless Creek, intending to fish it a distance before

going into Stirrup City to surprise old Jim Lipp.

Again the line went out, whipping the morning air to land in a still pool. There was a flash of fins and a tug and Judge Lem Bates was fighting the trout. He gave line grudgingly, playing out the cord slowly. Suddenly the line slackened; the trout was gone.

"And a big one, too," murmured the jurist.

He reeled his line in, inspecting the fly and tackle. All was intact and ready for another bite. The blocky man was angry with himself. Had he played the trout rightly, he would now have been in his sack. Well, the next one—he'd take time with it, landing it.

But there was no next one. This creek was thick with trout; in fact, he could see them in a pool as he lay on his thick belly and looked down. But yet, when his bait came into the water, they regarded it with a lazy indifference, finning away to rest under the cool shadow of the overhanging bank. They were well-fed and fat and wanted no more food; therefore they would not bite.

The judge tried every fly in his case, and got not a nibble. Anger was quick in his gross body, and he felt the surge of it now. Not against the fish as this directed, for anger against a fish, of course, was useless; the anger was run against himself for his inability to find a lure that would please the trouts' fickle taste. He tried angleworms, for he had found some in a bank back yonder; these the trout regarded with no interest, disturbed only by the worm's untimely entrance into their watery home. The judge gave up at this particular spot.

He swore mildly and gave himself up to fate. But at each pool, things were the same—the trout had too much to eat; they wanted no more food. The judge had hit similar instances when fishing, but never one this angering. There in the clear water it seemed one could almost reach down and grab the trout, the clearness of the mountain stream was that deceptive.

He wondered if Tobacco Jones was having any luck. Usually the postmaster was a poor fisherman: he blundered and stumbled through brush, scaring the trout; invariably he employed the wrong bait. A trout swam up to his lure, looked at it, then finned away. Judge Bates shoved a boulder off the bank that hit the water with a sharp splash. Tobacco was right. A trout was as fickle as a beautiful woman—or a homely one, for that matter.

He glanced at the rising sun, deciding that an hour had winged its way into eternity, and proved his assumptions by consulting his huge watch. He took another sip from his jug, shaking it to verify the amount of its contents. He would replenish it in Stirrup City, he decided. The whiskey drove away some of his anger, and he decided life was worth while again.

WHEN HE CAME to a clearing tall with wild bluejoint grass, his anger became greater than ever, although now it was directed toward his fellow men, not toward the fisherman's fate. He stopped in the brush, watching the scene before him, and anger was a part and parcel of his gross body.

Here Nameless Creek turned, and in its crook was a log cabin of one room, a lazy smoke lifting from its stove-pipe chimney. Mud had chinked the logs years before and now some of it had loosened and fallen to the earth, pried loose by Time's fingers. But it was not this the jurist found to be of interest, nor was it anything concerned with Nature. For an old man, bent with age, stood in front of the cabin, arguing with a younger man, openly arrogant with middle-age and assurance.

Evidently the younger man had just ridden in, for he held the reins of his horse. And evidently the old man had just awakened, for he held an empty twelve-quart water-pail. Judge Bates figured he had just been going to the pump for water to wash with and to cook breakfast.

"Damn it, Jed," the young man exploded, "You got to sell to us. We've

got to put the railroad through this piece of land. Don't you realize what you're doin' to us? You're stoppin' my plans. You're bustin' them all to hell."

"I'm not selling," stated the oldster.

Judge Bates was close enough to see color flush the younger man's hard, bony face. He was thin, this man, yet in this thinness was hardness, and in this hardness the judge read danger. He saw this flush die and cold anger take its place. This was no trouble of short standing; this had been brewing for some time.

The old man had stepped around the other, who had dropped the reins of his bronc. Suddenly the younger man lashed out, his fist hard and quick. The oldster went down, dropping his bucket. He fell in a sitting position in the bluejoint, half-stunned.

"You sellin' out to me, Jed?"

The old man cursed him.

The younger man moved forward, and started to kick him. He wore riding boots and he was dealing the old man a stern punishment when suddenly he stiffened, his kicking stopped. Behind him the stern voice of Judge Lemanuel Bates pounded into his ears.

"Another kick at yonder old man, fellow, and this pistol of mine will send lead through the back of you. Where I come from, age is respected."

The man was stiff as the jurist's gun bored into his spine, and Judge Bates felt the danger in that moment of silence. Then the man turned, his hands rising a little; he surveyed the judge with a crooked, twisted smile on his unshaven, thick lips.

"Now who t'hell are you?"

"Judge Lemanuel Bates, jurist in Wyoming state, federal judge at times designated by the federal government. But beyond this identification, I pride myself on being a man. Therefore I am keeping you from killing this old man."

"Any business of your'n?"

"I think so."

The old man was wiping blood from his mouth. He was sick and al-

most out, but he managed to say, "Thank you, Judge Bates. I'm Jed Lipp. I've heard my brother, Jim, mention you—"

"Didn't know Jim had a brother."

Jed Lipp lay on the grass, head against his outflung arm, and pity pulled at Judge Lem Bates for this oldster. And with this pity ran a harsh strong anger pointed toward the old man's assailant.

"A hell of a specimen you are, sir," bluntly stated the jurist. "To pick on an old man—"

"Put that gun away!" rapped the man. "Give me a fair chance an' my fists'll show you—"

JUDGE Lemanuel Bates stepped back, grinning a little. Had the man known him and his nature, he would have known the grin hid only anger, not derision. Now the jurist reached out and unbuckled the man's gunbelt, sliding the leather from around him. He threw the gun and the belt into the tall grass and then he let his own weapon fall to the sod.

The man's eyes were bright with a stern hardness, and his tongue came out and wet his lips. He saw a gross, fat man before him, seemingly weighted by excess flesh and late middle age. This man looked like an easy specimen to whip, and his fists were ready for action. He circled a little, his head pulled low, and Judge Bates swiveled around, his dukes up.

From all appearances, it looked like the younger man had a push-over; the jurist, standing there in a John L. Sullivan stance, seemed awkward, his whiskey-jug strapped to his belt. The man came in suddenly, and Judge Bates hit him hard.

The man did not know what had happened. One minute, he'd been standing up, hitting; the next, he was sitting on the grass. Old Jed Lipp was hollering, "You got him, Bates, you got him! Now give him the boots like he gave me!"

But the jurist shook his leonine head. "None of that fighting, sir," he stated. He spoke to the younger man. "Get up and continue, sir?"

This time the man was more wary.

He circled, took his time, and his breath was slow, heavy. He fainted clumsily, pulled back, expecting the jurist to fall for his awkward deceptiveness, then scowled when Judge Bates grinned. He moved in and pulled back, but the jurist was on him.

Experienced by much rough-and-tumble fighting, both in the courtroom and in saloons, Judge Bates knew that, once an opponent gave ground, not to let him have a moment's respite, but to keep pushing him relentlessly. Now he did this with a quickness seemingly out of place with his huge bulk and apparent easy living.

He knew that his wild burst of speed, of power, could not last long. Hard liquor and age had taken his wind. He had to use this moment, draining it of his advantage, or else he would lose this fight. He drove the man back, punishing him roughly around the head; he lowered his attack, beating the man in the softness of his belly.

Old Jed was hollering advice and logic that fell on deaf ears. For in the melee, the jurist had no ears for the old man; he had fists only for the man opposing him. He felt blood on his lips. His nose was bleeding. But, all his life, his nose had bled easily.

He was cutting the man down; returning blows were now being flung wildly and when a chance one connected, the steam was gone from it. But Judge Bates was running out of breath. He had to knock the fellow out now, or never.

He connected with two solid rights, felt the man give. He had him now, he knew. This fact brought a sudden surge of power to his failing muscles. He ducked, hit, and connected on the button.

The man went back, propelled by a hard fist, and Judge Bates shuffled ahead, catching him hard and dropping him. He stepped back, panting. Suddenly the screams of Jed Lipp took on a sudden meaning.

"Behind you, Judge—Behin'—"

The jurist was turning when the blow landed across his head. He

tried to hang onto his senses but he went down. His last thought was that the man had had a confederate who had sneaked up and slugged him.

CHAPTER II

THE JUDGE was in the cabin. Water dripped from his hair and the front of his chambray shirt was wet. He sat on the floor with his back to a log wall that was rough against him. He remembered the fight in the clearing and tried to get to his feet, but a flat hand held him back.

"Take it easy, Bates."

Tobacco Jones squatted a few feet away, concern scrawled in deep lines along his homely, slack-lipped face. Beside him sat Jed Lipp, who regarded the jurist with unblinking, admiring eyes.

"Your hair, Bates, must be made of lead an' steel. Here, choke down some of this firewater." He held a jug up to the judge, who drank and then looked at the crock, noticing it was not his own.

"Fine whiskey," the jurist stated. "Much better than that hogwash I purchased back yonder. From what still did this come, my friend?"

"Don't worry about a still," growled Tobacco Jones. "Just how does that dome of your'n feel, Bates?"

The judge shook his head slowly. It seemed he had a nest in his head, a nest of owls—they were hooting. The hooting stopped and changed into a chirping, and this in turn gave birth of a hard headache. He took another drink and got to his feet. He asked what had happened.

Between his tobacco and curses, the postmaster informed him of the hazy happenings. He had come out of the brush as the man was slugging Bates, and Tobacco had knocked the gent down with a pine club he had found along the creek. Aided by Jed Lipp, he had taken the guns from the two, got them on their

brons, and hazed them out of the brush with bullets singing the air over them. "And they went hell for stirrup, Bates."

"They'll have a heap to tell Mack Frost," stated Jed Lipp, taking a drink. He shoved his jug to the judge who, for once, turned down a drink. "And who is Mack Frost?" asked the jurist.

The oldster explained it all as they rode toward Stirrup City, with Tobacco leading the pack mule. Jed Lipp rode a donkey that bore collar-marks and plodded with a patient gait acquired by hours under the collar and harness.

According to him, he had been in this country for years. His brother, Jim Lipp after coming to Stirrup City, had acquired the local newspaper, the *Stirrup City Blade*. At this point Judge Bates asked what Jim Lipp had known about a newspaper, even hinting that Jim might not be able to read. At this suggestion, Jed Lipp's hackles figuratively arose.

"What're you suggestin', Bates? Hell my brother kin read—fact is, he kin even write a little. We learned to read an' write early—fact is, my mammy sent us both to school a term, back in the Kaintuck hills. Me, I wasn't more'n twelve, I'd say, when I entered the first grade. I was only fifteen when I learned to sign my name—"

Tobacco winked at the judge.

"Let's skip that angle," soothed the jurist. "Now Jim has the paper, the *Blade*, and—?"

Well, gold had been hit, back in the hills. There had been a wild, mad rush; this had played out soon, for the loose gold had soon petered out. But a mining company had come in and started placer mining, running down shafts and constructing its buildings. Then Jim Lipp, seeing another opportunity, had started freighting in to the mine.

The mine expanded, both in size and in personnel. That meant more supplies had to go in; in fact, so many supplies and so much heavy machinery that, in order properly to furnish the mine with grub and equipment, Jim had secured a rail-

road franchise, his spur line to take off the Western Wyoming at Gray-bull.

"They're workin' on his railroad now," stated Jed Lipp. He shoved a stubby finger across the dim distance. "Yonder you kin see the dust of the graders, Bates. That is, if you kin see through that eye of your'n that ain't black."

JUDGE Lemanuel Bates rubbed his black eye gingerly and looked at the dim cloud hanging across the morning distance. Yonder, to the north, was another cloud, also seemingly made of dust. He inquired as to what had raised this disturbance and old Jed Lipp spat disgustedly into the trail.

"That dust? Hades, Bates, she's lifted by the fresnos an' teams of Mack Frost. You see, that gent talkin' to me back yonder—the one you buffaloeed for whuppin' me—that was Frost's ace-high han', Dab Watson. Dabney Watson, his real handle is, I reckon. T'other one—the one that come outa the brush to slug you—he was Bartholomew Webster, known as Bart for short."

Tobacco Jones scowled. "Frost buildin' a railroad too?"

"That's what he's a-doin'," assured Jed solemnly. "Dab Watson was tryin' to scare me into sellin' him railroad rights acrost my homestead back yonderly. Frost is runnin' his spur-line up the valley while Jim's takin' his off acrost country that-away, headin' for the mines."

"A railroad war?" murmured the judge.

"That's jus' what she air be, Judge. And Frost don't cotton to me; I'm right astraddle his right-of-way an' he can't go aroun' me—he has to go acrost my land. An' me, I won't let him. I got him an' his big plans in a sack an' I've done pulled shet the drawstring."

Tobacco Jones looked inquiringly at Judge Bates. "Ain't no legal recourse that Frost can use to get through Jed's land, is there?"

Judge Bates scowled and rubbed his eye again. From the feel of the eye, it sure was a beauty; he could

hardly see out of it. And in a few minutes, he figured it would be closed. He felt a little angry at himself for getting into the fight and then decided he had had no other alternative.

"I don't know all the legal angles to the case, Tobacco. I take it that Jed here has a clear title to his place. If such is the case, Frost cannot traverse his property without Jed's permission. But he has other legal outlets, of course."

"An' them?" asked Jed.

"He has the right of condemnation, sir. By this I mean that he can get the state attorney to condemn your land. A board of appraisers—supposedly impartial—would then view your property, placing a fair price upon it that Frost would meet and through this legal process acquire right-of-way through your land."

Old Jed Lipp was breathing heavily. "Damned near busted my ribs when he put the boots to me, Judge. Are there any other ways that Frost can break my hold on my property?"

"He might get your title proved false. I take it you homesteaded the land. Is your patent to the land filed properly in the state land office and with the federal office in Washington?"

"Reckon it is."

The jurist shook his thick head slowly. "We have to be sure, sir," he said. He looked at the jug slapping against the side of Jed Lipp's donkey. The aching in his head had settled a little, but the dull pain still rimmed his thoughts. He made a note on a mental notebook: he'd make Dab Watson and Bart Webster pay for slugging him. He and Tobacco had expected to spend a week or so in a friendly visit with old Jim Lipp. Now a different hue colored the picture. By beating him, Mack Frost's gunhands had dealt him and Tobacco a hand in this deadly game. And the judge mentally swore that they'd stay and see how their cards played out.

"Wanta drink, Bates?" asked Jed.

The judge allowed, with a crooked

smile, that he was drier than a bull frog on an alkali flat. Thereupon Jed Lipp untied his jug and handed it to the jurist, who uncorked it and smelled of its contents. The odor was good, despite the pounding in his brain, and he drank long and deep, with Tobacco Jones looking at his bouncing Adam's apple, partly in wonder as to the judge's drinking powers, partly in disgust for he violently disliked all hard drink. The judge lowered the crockery.

"Fine liquor, I repeat. And again, where was it obtained?"

"Back of my place, Bates. Back in the brush. My own still, sir, and some day I hope to have you inspect it."

"He won't only inspect it," growled Tobacco, "he'll run it for you."

"Corn liquor." The judge disregarded his partner's gloom-laden prediction.

"Montany corn," assured Jed.

Tobacco said, "Didn't know they could grow corn in Montana. Only figured they could raise Injuns an' hell around here. Well, I've learned something. How far to Stirrup City, Jed?"

Jed figured for some time, lips moving as he counted. Finally, after much mental pursuit, he came out with the information that Stirrup City lay about three miles distance. Tobacco admitted he was hungry and the judge allowed that he was both hungry and half-sick. The rest of the distance into the cowtown was made in silence broken only by the plod of their animals' hoofs or the clash of a steel-shod hoof against flinty stone.

THEY SAW the town, then. Below them it lay, cupped in a round bowl of the hills. Judge Lemanuel Bates ran a slow eye across it and catalogued it as only another small western-town. But a town was like a horse—the appearances of both could be tricky and deceptive. A shabby coat and rough legs many time hid the true nature and qualities of a bronc with good wind and a strong bottom, just as many times a seemingly sleepy town could hide

beneath its docile exterior the run and pull of danger and cloak the ever-present threat of violence and gunsmoke.

"Where's Jim's office?" he asked.

Again old Jed Lipp squinted. "Cain't make it out from here, Bates. My eyes ain't what they used to be."

Judge Bates shrugged. They went down the trail, Tobacco in the lead, Jed following him, with the pack-mule braced against the gravity of the declivity. The judge let his gross body sag down against the fork of his saddle and resumed his thinking, although it was no easy chore at this particular time.

They came around the bend and entered the town's main street, two blocks in length. Most of the buildings, some made of logs and the others frame-buildings, sported coats of paint but a few were raw and naked as the day they were built. The street was laid out wide with a row of boxelder and cottonwood trees along its center, giving the town a sleepy, cool appearance as it dozed in the shade.

"Nice town," said Tobacco.

"On the surface only," hurriedly corrected Jed Lipp. "Underneath, there's violence, men. Yonder's the court-house, Bates. I point it out to you because of you being a man of the bench."

The court house was a log structure of two stories, strongly made and foundationed on a stone bed. It had not been painted; it had been stained a dark brown. Now, resting in the cottonwoods, it presented a strong appearance, surely a bulwark around which the rest of the town basked in reflected splendor.

"A fine court house," muttered the jurist. "Far better than the meager domicile the Cowtrail residents have erected for me. Indeed, it must be an honor to hold down the bench in such surroundings. By chance, sir, who is your district judge?"

"Judge Isaih Williams."

"Oh, I see."

Tobacco looked at his partner. "A crook, huh?"

But Judge Bates shook his head. "Not Isaih Williams, Tobacco. A

stern man, upright and religious, who walks with favor among his men and under the eyes of his God. He is a credit to the bench, I assure you."

Tobacco Jones bit off a chew and wiped his forehead. "I'm glad to hear that, Bates. Ever since we run into that set of skunks up in Post Hole Valley—that Judge Cinchring Thomas an' his crooked attorney—I'm sorta doubtful of the law in any town. Sure hope that you are right about Judge Williams."

"We are old friends," assured Judge Bates.

They rode past the court-house. Jed Lipp was saying that his brother, Jim, would be glad to see them. He looked at the three men standing in front of the Mercantile Store and then glanced uneasily at the judge and Tobacco.

"Only men on the street," said the jurist slowly. "Dab Watson and Bart Webster, big as life. Or is that feller Bart Webster? I caught a glimpse of the man who slugged me, but I ain't sure."

"That's Bart Webster," murmured Tobacco Jones.

"And the other gent?" asked the jurist.

"He be Mack Frost." Jed Lipp ground out the four words.

THE JUDGE FOUND himself studying Frost. He was a wide man, not too tall, and he wore a tailor-made brown suit, the pant-legs pushed into Justin short-boots. His Tom Watson hat was pushed back a little, showing his brown, thick hair and his face was wide and heavy, the thick jowls showing a love of life and strong drink. The man had power, and this showed as he stood wide-legged on the plank sidewalk.

"Hey, Jed," he hollered. "An' you two men, too. Ride over here."

The trio rode to the three men and drew rein. Dab Watson's face bore too clearly the marks of Judge Bates' knuckles for the man's eyes were swollen terribly, both lips split. And Bart Webster wore a white bandage under his Stetson. The judge figured Tobacco Jones had split the man's scalp when the postmaster had

lowered the pine club on him. Judge Bates found himself grinning a little.

Frost spoke slowly, his eyes vacillating between the postmaster and the judge. Apparently Jed Lipp did not exist to him. "My two men claim you two fellows jumped them in the brush when they were riding out to see Jed Lipp. What have you got to say before I get Sheriff Campbell to swear out warrants for the arrest of both of you?"

Judge Bates spoke. "I got two things to say. One is that both of your men are good liars, if there is such a thing as a good liar."

"Don't call me a liar," growled Dab Watson.

Judge Bates looked hard at him. "I'll get off'n this bronc an' prove you're one," he said sharply. "I whipped you once an' I can whip you again."

"None of that talk," snapped Mack Frost. "We're not looking for violence, sir. You got two things to say; you've said one. Now what is the other?"

"That if you file warrants for us, I'll file counter-warrants, charging your two men with assault and intent to kill, also for trespassing upon private property. I can assure you, Frost, that if you go to legal lengths with this, I shall fight you inch by inch in the courts."

Mack Frost was studying the jurist with a sudden admiration. "And who are you?" he asked.

"Judge Lemanuel Bates, district judge of Cowtrail, Wyoming."

Mack Frost was smiling warmly now. "Glad to know you, Bates; glad to welcome you into our little village. We have all heard of you, of course. Little did I know that one of my men had tangled with the great Judge Bates. A thousand apologies, sir, for our roughness."

"Keep your apologies," growled the judge.

Mack Frost had stepped back; now his eyes hardened. This held them for a while and then softness was forced into them, giving them a quiet look. "I take it you came to visit your old friend, Jim Lipp? I base my

assumption upon the fact that Jim many times has informed the town that you and he were old cronies. Well, you came late, Bates."

"What do you mean?"

"Fire swept through the *Blade's* office last night, almost destroying the building and printing press. Jim Lipp, of course, slept in the building. No, he was not burned to death, but he is in the hotel now under the doctor's care. The sympathy of the town is extended to you, Jed."

"Keep your damn' sympathy to yourself," growled Jed Lipp.

CHAPTER III

JIM LIPP lay in bed, wrapped in white bandages. When he saw Bates and Jones, his faded eyes twinkled. "I'd sure shake hands, gents, but I can't. I got some bad burns."

Judge Bates glanced at the doctor, who sat nearby. The medico said, "Sure, he can talk all he wants to. He's burned bad but he's tough as whang leather. I've heard of you two, Bates. What you got in that jug? Ice water?"

"Lemonade."

The medico uncorked it and drank. Jed told Jim about the fight out at his homestead and Jim swore violently.

"Hear you haven't forgot how to cuss," stated Judge Lem Bates. "You sure spread out on this range, Jim. Owning the newspaper and the crew building out the railroad, not to mention your freight wagons and teams."

"Hit a little luck," said Jim Lipp. "Hit some gold back in the hills an' that guv me a start. But by hades, who's goin' run this mess with me flat on my back; 'cause the doc says I can't run aroun' for some week or so yet."

"He'll be in bed for a week, anyway," said the medico.

Jim Lipp looked at the judge and Tobacco Jones. "What say you two devils stick aroun' this neck of the timber for a few extra days, huh? You two could handle this setup, I

figure, what with the judge and his legal knowledge. And you two are right handy with them shotguns you pack on your saddles."

Jim did not see the jurist wink at Tobacco. "Can't do it, Jim. We're pushing through into the country around the Yellowstone River. We're going to look over a ranch there that's for sale."

Jim Lipp snorted. "What t'hell you tellin' me, men? You turnin' down an ol' life-long friend when he's got his back to the wall?"

"You ain't got your back to the wall," said Tobacco. "You got it next to a clean white sheet, if my eyes are right."

"What happened last night?" the judge wanted to know.

"Happened last night? Hades, Mack Frost burned my newspaper office down, that's what he did! An' me—I was sound asleep, see, when I came awake with smoke in my nose, an' smoke all aroun' me. I got out, just by a miracle. The shack was burned almost down, but the press might be good yet. Paper all went up in smoke."

"You can get more paper and another press."

"Sure I can! T'ain't that that's worryin' Jim Lipp, men. But I gotta be on my feet to fight Frost an' his hands. Bates, you mean to tell me you're turnin' my appeal for help down?"

"Got to, Jim."

Jim Lipp cursed him, using broken English and Sioux. Judge Bates got to his feet, grinning a little; Tobacco was solemn-faced, cold as a wood-owl. Jed Lipp was watching them, disappointment clearly on his face. They said goodbye to the cursing man and went out into the street.

The judge allowed as how they should put their bronses and pack-mule in the livery-barn and Jed Lipp asked, "Why do that, men? From your talk back yonder, I figured you two was driftin' right on."

Judge Bates winked at Tobacco. "We were only talking that way for Jim's benefit. We wanted him to believe we were pulling out on him. He sure can cuss, that man can."

Jed pounded Tobacco on the back, almost making the lanky postmaster swallow his chew. "So that's what you were doin', huh? Stuffin' Jim to make him mad? You sure put the act over, men. Yeah, we better get our bronses in on hay."

THEY WALKED down the street toward the livery-barn, leading their animals. Mack Frost crossed the street and the judge called to him. "Jim Lipp figures you burned down his newspaper office."

"He's a liar. Why does he say that?"

Jed cut in with, "He's no liar, Frost. You burned it, or some of your hellions put a match to it. And what is more, the whul country knows why you burned it—Jim'd been hittin' you hard through the newspaper, tellin' local folks jus' what stripe of polecat you are."

"You're an old man," said Frost quietly. "Otherwise, I'd take you apart and see what makes you tick."

"Try it," invited Jed.

Judge Bates' thick arm pushed the thin oldster back. "None of that, men, here on the street. After all, I am an elected representative of the people of Wyoming, sworn to maintain law and order."

"This ain't Wyoming," said Frost. "This is Montana."

"I know my geography," assured the jurist.

Frost turned and walked to the sidewalk. Tobacco said, "Them two hellions—that Watson and Webster—they been standing there and watchin', Bates. I don't like the looks of this set-up. What's the first move we make?"

"Get some feed before our critters, then get some chuck into our bellies."

They unsaddled their horses in the barn while the hostler filled the mangers with fresh bluejoint hay cured under the Montana sun. Old Jed was grumbling under his breath and Tobacco spat tobacco juice on a saddle hanging on a hook. Plainly the postmaster was worried, but there was only a lazy smile on Judge Bates' lips. But Tobacco, because he knew

the judge so well, knew that the man's agile brain was busy behind that bland, almost stupid-appearing, surface.

The judge stripped the packs from the mule, placing them against the far wall, and then he stepped back, looking at them carefully. Tobacco watched him, scowling. The judge took a match from his vest pocket and placed it beside the one pack, sticking it into the loose soil so that, if the pack were moved, the match would be pushed into the ground.

"Good idea," said Tobacco.

This precaution taken, the trio went out into the morning sun, heading for the Antlers, the town's only hotel. A freight wagon, loaded with steel, rumbled out of town, the driver cursing his six horses. Perched like a big monkey on the high seat, he held the six ribbons in one hand, the lines all level and even. With his free hand, he made his lash talk, snapping and snarling over the backs of the straining horses.

"One of Jim's freight wagons," said Jed slowly. "Headin' back for the mines, I reckon."

IN THEIR way to the hotel, the oldest told the judge and Tobacco more about the railroads being constructed. Both lines were narrow-gauge track and would connect with the main line, which would furnish rolling stock and the small locomotives at a rental fee, with an option to purchase. The financing of the roads was being done by Jim Lipp and Mack Frost.

"An' Jim's mor'gaged hisself deep," said Jed, mournfully. "Too deep, I figures. Frost has run the saloon here an' made jack that way but he's in deep, too, I'd reckon. Jim's right-of-way grade is ahead of Frost's, all on account of me takin' up my homestead an' blockin' Frost's path. If he builds around me, he'll lose the race; he has to go over me to get a chance to win."

Further conversation revealed other essentials to the partners. No, Jed had not deliberately taken his homestead to block Mack Frost's

plans. He had taken the land up a number of years ago and, by chance, it had been blocking Frost's steel. A stroke of luck, he said.

"Or maybe misluck," gloomily prophesied Tobacco Jones. "'Cause Frost might get mad an' sprinkle your carcass with some lead."

"Look for him to throw a wet saddleblanket on it," murmured the judge.

They registered at the hotel, getting an outside room that overlooked the mainstreet, and they ate in the Steerhead Cafe, where the judge admired the dark-haired girl who waited the table until Tobacco jarred his elbow into His Honor's ribs. "Don't be an old fool, Bates."

The judge sighed, "Oh, to be sixty again."

"You ain't sixty," corrected the postmaster. "Fact is, you're about fifty-seven, I figure. Or else you've been lyin' about your age."

Jed Lipp was busy shoveling in his hotcakes and noisily sucking his coffee. The dark-haired girl looked at the judge's black eye.

"Horse kicked me," explained the jurist.

"Sure it wasn't a jackass?"

The judge reflected in feigned study. "Reckon maybe it was, at that, Miss. Name of Watson, I recollect. Dab Watson. Know him?"

"I'm ashamed to admit I do."

The girl went down the counter to tend to a miner's needs. "Nobody around here much cottons to Frost an' his spread." Jed regarded the partners around a square of hotcake suspended on his fork. "Course, he's got some cronies—he pays his dirt men good, an' he buys them for two reasons—they know how to move dirt and fight with their fists or single-trees."

"Bet this is a wild town on payday," said the judge.

Jed spoke around his hotcake, cheeks bulging. Yes, it was wild, no two guess about that. But Jim saw to it that his crew was not paid the same night as Frost paid his: there'd be fights in town. Therefore his crew got their pay on Wednesday, instead of Saturday.

"Good idea," said the judge.

Before they left they made arrangements with the cook, a heavy-cheeked Swede, to have trout for dinner, for Tobacco had caught six nice ones. The judge was tired and was quick to admit the fact. Jed allowed he was going down and see Jim again, and the partners agreed to have dinner with him. They went to their hotel room and soon the judge was snoring.

But there was no rest for the gaunt Tobacco Jones. Dour and miserable, he sat on a hard-backed chair, chewing his cud and watching the main-street below him. Now that the sun was advancing higher, men and women were moving more along the plank walks, the men tending to their numerous chores of their everyday lives, the women going to the stores for purchases and chance gossip. He could see Jim Lipp's freight office, down the street a piece, and he could also see the man's burned-down newspaper office, the press standing upright in the blackened mess that had the far wall scarred by fire but still upright.

MACK FROST came out of a saloon, Dab Watson with him. The arrogance of the pair struck Tobacco with a sudden anger, for he hated arrogant, proud men. His theory was that life, at its longest, was a short process, and when a man remembered the grave that he would sometime occupy, then he would have small place in his days for greed and avarice.

He watched the pair step into a store, the door closing behind them. He wondered where Bart Webster was. A wry grin tugged at his crooked lips. He and Bates were in this trouble to their necks. Their friendship for Jim Lipp, strong as it was, had pulled them in. Couple to this the fact that Bates had whipped Watson and he, in turn, had worked over Webster with a club, and a man had plenty of reason to know he and his judge partner were in danger each moment on this range.

Suddenly he saw Webster in a distant alley that led to the livery-barn's

back door. Had he been on the street, he would not have seen the Frost man but, from this high point, Webster could be seen clearly. Tobacco Jones watched the man enter the livery-barn by the back door.

Tobacco's scowl deepened. His teeth, grinding on his tobacco, continued rising and falling at the same monotonous regularity. Ten minutes before, the livery-barn hostler had come down the street, going into the Cafe. That meant that the barn, by all rights, should be empty of human occupants. Unless, of course, some town loafer loafed on the bench just inside the wide door.

He expected Webster to ride out, but such was not the case. Some ten minutes later, instead of leaving by horse, Webster came out the back-door again, continued back down the alley, and disappeared into the saloon from which he had come.

The postmaster bit off a fresh chew, and grinned. Judge Bates was snoring loudly, too loudly. Tobacco put a pillow over the jurist's nose and the judge came awake, pushing the pillow to one side.

"Up to your old tricks again, huh? How long did I nap?"

"Bart Webster went to the livery-barn. The hostler was gone. Webster just came out of the barn and went back to the saloon."

"Searched our packs, huh?"

"I figure so. But it ain't them I'm worried about, Bates. He might've jimmied up your shotgun an' mine."

"Maybe we should've took the guns up here to the room," admitted the jurist. He pulled on his boots and, a few minutes later, they were in the livery-barn. The hostler was still gone. The damp, dank odor of horse manure was in their nostrils. The judge looked at their packs. The match he had arranged under the one had been pushed over. Otherwise, the packs seemed the same as when the pair had left.

Tobacco broke open his double-barreled shotgun and kicked out the twin shells. He juggled them in one hand, weighing them. "They're light," he murmured, and he studied

the wadding. A small hole in the seal showed him that a knife-point had been inserted into the hard paper, lifting out the plug.

He took the plug out and tipped the cartridge on end in his dirty palm. Shots should have run out but they didn't. Webster had unloaded their cartridges. Had they let hammers drop, an explosion would have occurred—but no beebees would have blasted from the barrels.

"How about the ca'tridges in our packs, Bates?"

"They aren't there," said the judge.

Tobacco shifted his chew. He was grinning again. "Webster took them, huh? Notice he was carryin' something. They intended to get us out in the country an' pick trouble with us an' probably blast us down while we fired unloaded ca'tridges. Nice bunch."

"Let's get them shells back," declared the judge.

CHAPTER IV

SHOTGUNS under their arms, the pair went to the hardware store, moving down the alley to escape detection. They came in the frame building by the rear door, walking through the store-room with its various items—shovels, harnesses, and coils of rope.

The judge asked for some shotgun shells and the clerk happened to have two boxes of ten gauge cartridges, explaining that the few shotguns in this section were twelve-or sixteen gauge, and there was little call for ten gauge shells. They loaded their shotguns.

"Goin' duck huntin', men? Heard tell there was a flock of mallards out in Jensen's slough."

"Not ducks," corrected the jurist. "Jackasses."

They went out the front door with the clerk's eyes wonderingly on them. He was trying to remember if there were any wild jackasses in this territory and, if they were running wild, could a shotgun down one? And why would a man shoot a jack-

ass anyway? He gave up and went to wait on a woman who wanted a wash tub.

"Webster went into the saloon," said Tobacco.

"I heard you the first time," stated the jurist. He looked up at the saloon and read: "RAINBOW BAR." He sighed a little. "The name is alliterative, anyway."

"What does that mean?"

But Judge Lemanuel Bates had no answer. The interior of the long bar room was cool and dark. A few men loafed at the rummy tables, those not playing standing around and kibitzing. They glanced at the shotguns in the hands of the partners and let it go at that. Lots of queer people gathered in a mining town.

"Where's your boss, Mack Frost?" the judge asked the barkeeper.

The man looked sharply at their shotguns. "What do you want to see him about?"

"We're shotgun salesmen."

"Mack ain't interested in buyin' a shotgun. He ain't got no call for a scatter-gun. I'd say you're barkin' up the wrong cottonwood."

"He knows we're coming," maintained the judge.

The bartender noticed suddenly that the twin bores of each of the shotguns were pointing nonchalantly at his person. Whether this was by accident or purpose, he was not sure—and he did not want to find out. Possibly he would not have pressed the point, had not Judge Bates lazily cocked his right barrel, clicking the heavy hammer back and holding it.

"Note the trigger and hammer action on this shotgun, sir? See how freely the trigger works?"

"Mack's in his office." The bartender pushed a thumb toward a door in the back of the room.

Judge Bates thanked him earnestly, then he and Tobacco went across the sawdust floor toward the door, with the dour postmaster chuckling softly. "We sure buffaloed that gent, Bates."

"Where do you get this we stuff? Seems as if I did all the talking, if I remember rightly."

Tobacco had no time to answer, for already the judge was entering the door, neglecting to knock. And on his spurs came his partner, who stepped to one side when inside the office, letting about six feet lay between himself and his obese partner. Tobacco chewed and studied the three men who sat in the room watching them. Watson sat against yonder wall, chair angled backwards, and Webster sat beyond him, leaning forward on his seat, his hands clasped between his spread knees.

Mack Frost sat in a swivel-chair behind his desk, and on this desk were two boxes of shotgun shells, both ten gauge. Frost glanced at the cartridges and then up at the two shotgun-toting men.

"You didn't knock, Bates," he said. "Is that a rude manner you brought up the trail from Cowtrail?"

"You guessed it," said the jurist. "Fact is, my folks didn't bring me up right. All my life I've been rude. But I never yet acquired the filthy habit of pilfering through a man's saddle-bags."

"What d'you mean?"

"Where'd you get those shotgun shells?"

Watson let the legs of his chair drop hard. "Bates, you came lookin' for trouble—"

Mack Frost said, "I'll handle this, Watson."

Watson sat silent, then tilted his chair back again. Webster's face was a little pale. Judge Bates noticed that a water-bucket sat on a shelf at Webster's left elbow. And a closed window was beside Watson, who was now regarding them with a slow deliberateness.

Tobacco Jones spoke. "You stole them boxes outa our saddle-packs, Webster. No, don't try to lie—I seen you do it. Now we've come after them shells. They're hard to find, you know—they bein' ten gauge ca'tridges—and we might need 'em afore we leave Stirrup City."

"You forgot one thing," said the judge. "You forgot to unload our shotguns."

WEBSTER AND Watson had found what they had wanted to know—they still thought the partners packed blank shells in their barrels. Both started to reach for his gun. Twin shotguns blasted lead and a roar that sounded deafening in the harrow confines of the room.

The judge's beebees lifted the water-bucket off the shelf. The bucket was full, and water sprayed around Webster. Tobacco's lead smashed the window beside Watson, driving glass and confusion into the man.

The two gunmen forgot they had been reaching for their weapons. Each suddenly remembered that each partner still had a good cartridge in his other shotgun barrel. Webster did not even wipe the water off him, and Watson forgot that he was almost covered with glass and that a shard had cut the skin across his high cheekbone.

The judge was looking hard at Mack Frost, who had pulled open the top drawer of his desk to where the jurist could see the Colt .45 there. Slowly Frost pushed the drawer shut.

"That's good, Frost. Fact is, none of you men let me finish my sentence. You forgot the shells in our shotguns, yes. But we found out they were unloaded. Or did you forget them?"

Frost said, "Take your cartridges and get t'hell outa here!"

Tobacco stepped forward, took the boxes. "No need to get mad, gents," he said soothingly. "So far, nothin' much has happened. Just wait until later, if you boys keep pesterin' us. Then somethin' might bust loose an' happen. Hard to tell." He stopped at the back door, shotgun upped.

Judge Bates was quick to take his cue. He and Tobacco had worked together so long that each knew just what the other should do, and when to do it. Now Tobacco was covering him while he went out the door.

Behind him, men were pounding on the door leading to the office, for the jurist had twisted the key in the lock upon entering. Grinning a little, Judge Bates crossed the floor to the back entrance, mindful all the time

of the three pair of eyes that stared at him angrily. He went outside and stationed himself in the alley where he covered the back of the office with his scattergun.

"All set, Tobacco."

Tobacco said, "So long, men," and walked down the alley, back to the door. Judge Bates, settled by the corner, hoped that one of the Frost men, or Frost himself, would stick his head out either the window or door, but the trio evidently wanted nothing more to do with them.

JUD LIPP met them at the corner. "Seems as if I heerd a couple of shotguns talkin'," he stated.

Judge Bates rubbed his black eye slowly. "You must've got bad ears from living out there in the hills, Jed. Tobacco and I never heard anything; at least, I didn't."

"Neither did I," affirmed Tobacco.

"Well, I sure did," stated Jed.

Judge Bates changed the subject. "We're ridin' out to the dirt camp right pronto, Jed. Seems to me you mentioned the crew was working in Roaring Gulch. Now where is that from here?"

"Follow the Sundown Trail out, an' you cain't miss it. Frost is buildin' his line through Snow Pass, which follows Nameless Crick across my land. I got him blocked, unless he takes to the law an' whups me."

"I'll see that he doesn't," assured the judge.

Jed said he was going out to his homestead. He had his milking to do and some evening chores to clean up and, besides, he wanted to catch a few trout for chuck. He went for the livery-barn and the judge and Tobacco walked over to the ruins of Jim Lipp's publishing venture.

The place was a ruins, sure enough. The heat had melted the lead type into a thick pile there in the black ashes. Only the old press stood upright. A hand press, the jurist worked the lever on it, expecting it to be stuck. But, strangely, the cogs turned, and the press moved.

"A little rusty in spots," said the jurist. "Some oil and work, though, should prepare it for publication. The

gears were evidently case-hardened, and, therefore, were able to weather the intense heat."

Tobacco Jones was looking at a pile of burned papers, now black ashes. His usually docile face was hard with stern lines. "Nobody but a hydriphobia skunk would use fire to fight an ol' gent like Jim Lipp. Think of it, Judge. Here's Jim, asleep, an' Frost fired his building, knowing full well Jim would probably die in the flames. I wouldn't even do that to you."

"Thanks, pardner."

The jurist had the press running rather freely, for the gears were working themselves clean. He let the press run of its own momentum and watched it die to a slow stop.

Clearly the press could be used again, he saw. And already a plan was forming in the far depths of his brain. He broached this plan to Tobacco Jones, who chewed as he listened silently.

SOME YEAR or so before, he had been instrumental in getting a pardon for an old man, one Greenback Fox, a printer who had become too skilled on a press—so skilled, in fact, that he had started printing government currency, thus earning a prison sentence and the dubious honor of being nicknamed "Greenback." The judge had known the old man's daughter and, after six years of sentence, had obtained a pardon for Greenback, putting him in the custody of his daughter, some fifty miles south in a small Wyoming town. One of the stipulations of Greenback's pardon was that he contact the judge, either by letter or in person, every six months for a report on his behavior.

"Every letter he's written has held the desire that he could go back to his old trade of printing. So far, I have refused to let him get near a press. But we could wire him to come here, outfitted with paper and type, and we could get this press moved to another building, or rebuild this building."

"How'll we get a wire to him?"

There's no telegraph line in this burg."

"Jed Lipp said that there was a wire running from the main line to Jim's dirt-camp. We could wire Greenback from there."

Tobacco thumbed his lip. 'He might fall an' start printin' greenbacks again," he ventured.

"He's learned his lesson. Or, anyway, I figure he has."

They went up and saw Jim Lipp, who regarded them with a sourness. "Thought you two had left Stirrup City by now."

"We'll leave right soon," assured the judge.

The oldster's lips, about the only thing visible except his eyes, moved audibly, giving his face the appearance of a mummy coming to sudden life. "Always figured you two was my friends, too. Yet when I need you, you pull out on me."

"We don't want any trouble," lied the jurist.

They went outside again. Tobacco said, "Jim's gettin' well—he's already lookin' for trouble. Mind now I saw an empty building up the street, right side the warehouse yonderly."

Still carrying their shotguns, they went up the street. The warehouse was empty and the kids played ball in it in the winter time, using it for the town gym. The small building beside it was empty too.

A passerby told them it was owned by Jim Lipp, who used it to store grain for his work teams. The judge hired the man to clean it and to move the press over. Then he went to the court-house, where he shook hands with a gaunt, sour-looking man, Judge Isaih Williams.

"Why the shotguns under your arms, men?"

The judge told Judge Williams about their raid on Frost's office. Judge Williams called in Matt Jorgenson, a lanky Norwegian who sported a star. He introduced the partners to the sheriff who shook hands and then eyed their shotguns dubiously.

"You the two gents who shot up Frost's office, huh?"

Judge Bates assured the starman

they were the two men who had done just that. Jorgenson told them that Frost had come to him, wanting to swear out a warrant calling for their arrest, and he had sent him in to see Judge Williams, who had made him cool off a day before he would issue the warrant.

Judge Bates' hackles rose like a dog scenting a good fight. "So it's legal action Frost wants, huh? Well, tell him to go easy. I myself have a few charges to press against Frost, if needs be. Robbery of our saddle-packs and assault and battery in the case of old Jed, who was beaten by Frost's gunman."

"I shall remind Mr. Frost of your conversation with me." Judge Isaih Williams lifted a long index-finger. "Mind you, though, sirs, I am taking no part in this struggle. I am only a duly elected representative of the people, occupying my bench with only one intent—to see that justice is administered and with no partisanship. Always remember that."

"That goes for me, too," grumbled Sheriff Jorgenson.

Judge Bates and Tobacco Jones went to the livery barn and saddled their broncs and put the packs on the pack mule. They led the mule to the Antlers, where they took the packs, carrying them into their room.

"Aim to stay awhile, huh?" asked the clerk.

Judge Bates' good eye twinkled. "Like the fishing around here, sir. In fact, there are all kinds of fish here even some that appear to be suckers."

The clerk did not know the jurist was referring to Mack Frost and his two gunhands. "Lotsa suckers almost everywhere," he cackled.

CHAPTER V

MACK FROST watched the judge and Tobacco lead the pack mule back to the livery-barn, his pack-saddle empty. He and Dab Watson and Bart Webster stood in the big window of the Rainbow Bar and watched the partners ride

into the barn. Frost's bland, smooth face was seemingly without thoughts, but Watson was scowling deeply, and Webster was stiff and unyielding.

"They aim to stay awhile," murmured Watson. "Otherwise, they'd never've taken their pack to the hotel. Damn, I wish we'd have hid them shotgun shells we stole from them, an' I wish we could've got to the hardware store to buy out the ten gauge stock there. But they out-guessed us on both points."

"They're smart," said Webster.

Frost corrected, "Not too smart, men. Funny thing, a man can be smart, but there's always somebody smarter."

"That may be." Webster rhhbed his jaw thoughtfully. "But the fact is that them two has their shotguns primed with good powder, an' they got reserve shells for them. An' me, I never did cotton to a scattergun. A slug of them beebees hit a man, an' a freighter could drive a six-hoss team through the hole in 'im."

"You talk scary," said Watson.

The two gunmen wandered over to watch a rummy game. Frost watched Judge Bates and Tobacco Jones lope out of town after leaving the mule in the barn. They were headed toward Roaring Gulch. That meant they were buying chips, and playing them, in this game that had such high stakes.

The coming of the elderly jurist and his lanky partner put a new light—a dangerous, glaring light—on this problem. And Mack Frost rolled the situation in his mind, toying with it and searching it for its innate danger. When the fire had put Jim Lipp temporarily out of his way, he had had the go-ahead signal to move against Jim's brother, Jed.

Together, he had figured the Lipp brothers strong; standing alone, he had figured them easy pickings. And Judge Bates and Tobacco Jones, by their coming into this range, had completely broken his plans. They had turned the tide against Webster and Watson, driving them from the Lipp homestead.

But, worse than that, he had incurred the antipathy of Judge Bates and Jones, and two deadly shotguns,

handled by experts at their use, had arrayed themselves against him, their looming barrels heavy with danger for him. He turned and went to his office, where he stood for a long moment looking at the broken window and the shattered water-bucket that had spilled its wet contents across the softwood floor.

These articles registered in his brain, then lost their significance against the immense job ahead. And, though he knew anger was an enemy to clear thinking, still anger bothered him, threatened to break into his thoughts' clarity. Under him was a stern pride, and the judge and Tobacco had broken this before the town that had, in a strong measure, learned to fear him.

Mentally, he analyzed his position, marking his place in these events. His job was to drive a railroad, small though it were and of narrow-gauge, to the mines, thereby getting their freight trade which, in the course of time, would make him wealthy. To do so, he would need get his rails through ahead of those of Jim Lipp. He would have to reach the mines before Lipp did, for if he didn't, the mine owners would contract with Lipp to haul all their output. Such was the bargain put out by the mines in an effort to get transportation in hurriedly.

Now, Jed Lipp was holding up his plans, because Lipp was persistent in not dealing with him. Mack Frost, standing in the doorway, gave thought to Jed Lipp. Finally he decided that a bullet, properly placed and fired at the correct time, would eliminate Jed Lipp. And, with Jed dead, he would be able—he *had* to be able—to drive in a wedge, breaking the hold of the dead man from land he would never use.

FROST turned and walked back into the saloon. He said to Webster, "Get a swamper and clean out the office and get a window put in," and went outside. The day was warm, almost hot, and a fine sweat formed across him, feeling damp and miserable across his chest and back.

He went down the street, nodding

and speaking to people he knew, once doffing his flat-brim hat to a woman, who nodded and spoke in return. He opened the door of a frame building—a small building—that butted flatly against the plank sidewalk. The man inside had been looking out the rear window at the livery-barn. Now he turned, tall and somber and long of face, and he regarded Mack Frost with slow eyes.

"You're worried, Smith," said Mack Frost. "And usually a lawyer is too smart to worry."

"Two men rode out of that livery-barn," said John Smith. "They headed for Roaring Gulch. And unless my eyes are plumb bad, those two were Judge Lemanuel Bates and his partner, Tobacco Jones. Am I right, Frost?"

"You're right, Smith."

Smith's eyes showed something.

Frost asked, "What is it?"

"I've tackled Bates before, in court and out of court. He got the best of me. He knows I did time on a deal, down in Wyoming."

"Don't lose your nerve. I need you. This is Montana, not Wyoming. Is there any chance of breaking Jed Lipp's homestead entry?"

Smith shook his head. "Not a chance, Mack. It's all legal. Filed both in Washington, D. C., with the bureau there, and at file both in the local courthouse and the state office, over in Helena. No, I can't break it, I tell you. Lipp's settled there for as long as he wants to stay."

"You mean, as long as I let him stay."

Smith was silent, looking at the floor. Frost slapped him on the back and the lawyer smiled a little, his eyes plainly tired. Frost went outside. Urgency pulled at him with harsh fingers. Every moment of delay cost him money, lessened his chances of reaching the mines first with his railroad.

He had all his capital—and some he could borrow—invested in this railroad venture. He had to win! Now his rails had almost reached Jed Lipp's farm, and they couldn't go around the farm.

That would take too much time.

Steep rock banks flanked each side of Jed's homestead, making for slow grading. Of course, dynamite would loosen them, but they would have to be cleared, leveled, filled at spots. No, it would take too much time to bypass the stubborn oldster's ground. For, by that time, Jim Lipp would have steel running into the mines.

Frost thought, "Dynamite."

There were two angles to this situation. He realized that, for he had given this matter much thought and attention. Every minute that Jim Lipp was delayed, he himself gained a minute. Jim Lipp's delay meant progress for him, the race was that close.

He knew that a large shipment, consisting of grub and supplies and machinery, was going through to the mine tomorrow. The thought, "Dynamite," kept running around the rim of his mind, pestering him. Tomorrow Lipp freighters would climb the rim of the mountains, slowly toiling their tedious way toward the mines.

HE WALKED toward the livery-barn. There, he stood and looked at one of his saddle-horses, a red and gray pinto was a tough, good bronc. He put his flat-cantled saddle on the sorrel and rode out, loping toward the mountains.

The air was good and clean, and he let it soak into his lungs, driving the stink and closeness of his saloon from him. Hills rose and lifted, covered with pines and fir and buckbrush, and then become mountains, snow-covered with the last snow of spring. And Mack Frost soaked this wild beauty into him.

And, with this, were other thoughts; most of them pivoted around his railroad. He was greedy and he knew it—he wanted wealth, and what money would buy. To him, this was all a game, a good, hard game. And the best man, the craftiest man, would win. When craft failed, gunsmoke would fill the breach.

That was why he kept Webster and Watson. Neither man, he knew, had an abundance of intelligence, but they were valuable to him because

they could shoot, not because they could think. In the last resort, when logic and wisdom had to give way to naked, brutal force, he would call on them and their weapons.

He put the sorrel to a lope, a man who sat a close saddle. The animal followed the trail, for he knew this road well, having traversed it many times before. Once, on a pine-dotted ridge, Mack Frost held the horse in, looking at the spreading, wild terrain below his horse's hoofs.

Far in the distance, he saw the twin dots that were Judge Bates and Tobacco Jones, heading toward the Lipp dirt-camp, where the traces of dust hung even now in the still atmosphere.

He watched the two horsemen until the distance claimed them. Only then did he switch his attention to his own dirt-men, building a grade up the valley below him. He lifted his gaze from them and ran it to Jed Lipp's homestead, higher in Snow Pass. He let his eyes follow the green line of Nameless Creek and stop on the fence of Lipp's land.

He let his gaze rest on that fence.

He sat saddle for some time, then turned his bronc down onto Nameless Creek. A guard came out of the brush, rifle under his arm, and the man said, "Ride in, boss," and stood there, looking up at the mountain.

Frost said, "Thanks."

The guard took his gaze down. "My job, boss," he said, and went back into the buckbrush.

The cook was stirring noon chuck in his tent, the smells strong in Frost's nostrils. The blacksmith was pounding out some horseshoes and Frost held his sorrel in, watching the hammer form the shoe, watching the red hot metal turn to a dull, warm gray. The smithy rubbed a dirty forearm across his wide, sweaty forehead, leaving a streak of forge-smoke across him.

"Hot work, Mack."

"You do a good job," said Frost.

"They're hell on shoes," said the smith. "This rocky soil takes the caulks down fast, wearin' them off. By the way, I need another barrel of

shoes in a day or so. You'll get them out to me?"

"I'll get them out."

The man grinned slowly. "Maybe we'll be tied up by then, if Jed Lipp don't sell to you."

"We'll get around him," assured Frost.

The smithy returned to his work, heavy hammer rising and falling. The sounds echoed from the surrounding pines. Frost rode on to where the fresnos and scrapers were building the grade. Muleskinners snapped whips and cursed at their long-eared beasts of burden. Tie-men were placing ties, and others were swinging the light rails into place, using the crane on the small locomotive as a means to put them on the ties.

Frost's dirt-boss said, "What'll we do when we reach Jed Lipp's fence, boss?"

"When'll you get there?"

"Few days, I reckon."

Frost thought, "That'll give me some time," and he said, "Let me tend to that, fella; you just get the grade and steel into place."

The man shrugged and went over to talk to a surveyor who was checking some elevations. Frost watched the men and teams and locomotive work, idle in his saddle, and the thought kept running around his mind: "Dynamite, dynamite...."

CHAPTER VI

TOBACCO JONES and Judge Lemanuel Bates were in no hurry. They rode at a running-walk, for the most part, and each was silent with thoughts, the postmaster chewing his tobacco, the judge lifting his jug now and then. The jurist shook his vessel and listened to the splash inside, guessing accurately at the amount of drink inside. And he remembered Jed Lipp's whiskey.

His nap had taken most of his headache from him. His eye, though, was blacker than ever, and would remain so for some days. He fingered it slowly and decided he had had

blacker eyes or, anyway, he had had black eyes that had hurt worse. He took another drink and thought of Jed.

"Where you ridin' for?" Tobacco asked.

"My jug, Jed."

Tobacco chewed, scowled, and matched the two words. "Always chasin' whiskey," he said disgustedly. "At that, I reckon it's bettern chasin' a woman."

"Easier on your pocketbook."

"I doubt that. That lickin' runs into cash, the way you swaller it." He spat on a wild rose, completely drenching its beauty.

"How much money do you spend for tobacco?"

Tobacco grinned. "Who started this monetary discussion?"

Jed Lipp came out of the brush, a shotgun under his arm. He said, "Howdy men," and added. "Light an' eat a spell?"

"Not eat," corrected the judge. "Drink."

Jed caught the jurist's jug in mid-air. His smile was wide and pleased. "You like that pizen of mine, huh, Bates? Well, I've had lots of practice makin' it, fella. Back in the Kaintuck hills, ever since I was a boy." He turned back into the brush with the jug.

Sitting their broncs, the jurist and Tobacco waited, eyes on the cabin and its surroundings. Down Snow Pass they could see the dust from Mack Frost's crew, the dust rising from fresnos and scrapers. The judge looked at the almost perpendicular cliffs that flanked the south and north side of the homestead. He figured that Frost, in order to beat Jim Lipp to the mine, would not have time to knock out a road along the base of one of those cliffs. He'd have to drive right across Jed's land.

Jed came out of the brush. He handed the judge his jug, now considerably heavier, and the jurist eased out the cork, seeing the vassal was filled to the brim. He took a drink, rolling the liquor in his mouth. He swallowed slowly and a loud "Ah" was heard.

Jed's homely face was beaming in

pride. The jurist offered to pay for the liquor but Jed would not take a cent. So the judge and Tobacco went up Snow Pass, came to Nameless Creek, and crossed the ridge.

From this point the tumbling, rolling range lay clear below. And in its beauty was the mark of one trespasser—the idle dust cloud raised by Jim Lipp's crew. Judge Bates turned in saddle and looked at Mack Frost's crew below. He couldn't tell who was ahead. But he knew one thing for certain: unless Frost blasted Jed loose, then Jim Lipp would win.

"Purty country," murmured Tobacco Jones. 'A man is an o'nery critter, Bates. Look at this wild, unmarred beauty. Now he has to fight over it and somebody might get killed."

"Civilization," said the judge.

"Barbarism, I call it."

This philosophy off his thin chest, Tobacco Jones put his horse down a pat, the force of gravity moving him against the fork of his saddle. And Judge Bates, riding behind, let his glance run to the wagon-road, leading out of Stirrup City and traversing the side of yonder mountain as it twisted its way to the mines, still some miles away and hidden by the uprise of a distant mountain.

IN THE ride out, the jurist had nursed many thoughts. Ever one to be on the alert, he liked danger and, what is more, he courted danger. But always he was aware of his opponent's possibilities; being so, he put himself figuratively into Mack Frost's boots, figuring the thing from the man's viewpoint.

Frost had to blast his right-of-way through Jed's homestead. He could go around on either side, that was true, but by the time he dynamited his way through solid rock, the race would be won, and Jim Lipp would be the winner. Frost had to move Jed Lipp. He had to cross Jed's land.

But how?

From what he had found out, both from the sheriff and Judge Williams, the homestead entry of Jed was complete and legal. He had filed properly and settled on his land in the letter

of the law; the land was his forever. Judge Williams had assured him that no lawyer could break Jed's claim to his land.

Frost had tried to buy the land from Jed. But Jed, fiercely loyal to his brother, had refused to sell, even at the high figure quoted by Frost, a figure that offered much more for the land than it was worth. Judge Bates' quick mind probed this angle for possible danger.

A guard called out of the brush, "Stop, men, and identify yourselves."

They pulled in. Tobacco introduced himself and the judge. The guard peered at them, a short-legged man who chewed tobacco. "Better go into camp," he finally said. "Straight down the trail."

"You don't take his word?" asked the jurist.

"I don't know you."

Tobacco said angrily, "An o'nery son, Bates."

"But a man who is only doing his job," corrected the jurist. "Surely somebody in the camp will recognize us."

The guard looked at Tobacco. "Don't cuss me, long drink, or I'll pull you off'n that burro you straddle."

Tobacco's eyes were narrow. "Bates, I feel like climbin' off'n this nag an' workin' this gent—"

"Whoa up, pard. This man is only doing his duty. Besides, we have had enough of fisticuffs for one day—at least, I have."

"How'd you get the shiner?" asked the guard.

"One of Mack Frost's men decorated me. He was manhandling old Jed, and I took a hand."

The guard's thick lips formed a round 'O'. "Heard tell about that scrap in camp. So you really are Bates and Jones, huh? Well, men, sure danged glad to have you on this range. You boys ride in by yourself—you can't miss camp, right around the jut in the mountain. I better get back. Sorry to not recognize you right off. Watch your backtrail aroun' Mack Frost."

"Nice chap," said the judge, as they rode on.

Tobacco Jones had no answer to that. The dirt-crew was laying rails across a mountain meadow that was rimmed by pine and fir. A noisy creek ran along its middle and the jurist eyed it speculatively as though judging its ability to hold trout. Then he lifted his gaze to the crew toiling in the sun.

The crew lived in boxcars. Smoke came from the cook-car. Even the black-smith had a work car. Baled hay was on a flat-car and portable managers were set up on the flat for the mules and horses.

THEY drew in and sat and watched. A surveyor was running a level over a small draw to figure the amount of fill required. Jim Lipp's men were doing little grading; this was mostly a leveling affair, now and then filling a draw or cut. But up ahead loomed rockier, tougher going. That element was against Jim's outfit and once Mack Frost got through Jed's homestead, his crew would go like a house on fire. The judge was studiously silent.

"Only hope we got," he said softly, "is to keep Frost bottled up by Jed's homestead. Once he hurdles it, he'll beat Jim into the mines, sure as hades." He mopped his brow with the back of his fat right hand. "Sure hot."

"An' it'll be hotter yet," gloomily prophesied Tobacco. He added, "An' I don't mean only the weather."

"Don't smile," admonished the jurist. "Your ears'll fall off."

Tobacco had a suitable answer but the dirt-boss, coming up to them, spoke first. "You two are Bates and Jones, ain't you? Seen you once before, in Cheyenne, I believe. You'd both come down to testify on a case or maybe you was the judge of the case, an' Tobacco here a witness."

"That was the Onstead case," said the judge. "Yes, I presided in the absence of Judge Hathaway, sick at the time. Your name, sir?"

"Jack Cross is the handle."

They dismounted and tied their horses to a manger, where the animals fell to eating the green bluejoint hay. Cross had a drink from the jurist's jug and right away identified its

contents as Jed Lipp's brew. He showed them around the camp, explaining the amounts of grade needed, how the job was progressing, and answered the numerous questions put forth by the partners.

He introduced them to his straw-boss, a gaunt man who was complaining about broken clevises and tug chains. Although the blacksmith was welding them, and he was hired to be a good smith, the welds, for some reason, were not holding. Their breaking was delaying the work, for already a four-mule team stood idle over by the smith's car while he re-welded a clevis pin.

Judge Bates listened with a seemingly idle ear. While Tobacco and Jack Cross went to the cook-car for a cup of java, he swung his bulk up the stairs that led to the blacksmith-car. The smith was a small man, wiry and strong. He regarded him with a cold stare as he worked his forge bellows.

"Who are you?" he asked.

Judge Bates introduced himself. Plainly his name was unknown to the smithy, who replied with, "There's a camp rule, man, that nobody can come into this car, 'cept me. One gent got burned one day with hot ashes. Twisted the handle on my forge too fast, I did, an' sparks flew up an' burned him."

The judge nodded. He looked at the box of welding flux on the wall-shelf. He knew a little bit about welding and he knew that was a good flux. "What's wrong with your welds?" He asked. "They tell me they don't hold."

The man let the forge bellows die, his arms on his hips as he eyed the judge closely. The jurist seemed unperturbed by his penetrating gaze. He had an idea that this small man was just acting tough, as some small men do, to hide their fear of superiority by bigger men.

"What's it to you, fella? You run this spread?"

The jurist assured him that he did. He further elaborated, telling him how Jim Lipp had given him and Tobacco Jones control of the dirt-camp. The smithy stuck his head out

of the door and called for the straw-boss, who verified the judge's statements.

"Too damn' many bosses here," the small man grumbled.

The judge told him that, if he thought that way, he was free to draw his time and get out of camp. Blacksmiths, he knew, were scarce; but, a no-good smithy was as bad as none at all. The bristles left the small gent's neck and his temper cooled down at that.

"Don't be afraid to use that welding flux," the judge ordered. "There's more where that came from."

"Do my best, Bates."

THE JUDGE swung down the steps, grinning a little. The little fellow had changed his mind about getting tough, and changed it quickly. He went to the cook-car, and took a seat on the bench beside Tobacco, who was soaking a doughnut in his coffee and sucking noisily.

"You got any men you're suspicious of?" the jurist asked Cross.

Cross scowled. "Just what do you mean, Bates?"

The cook shoved a cup of coffee in front of the judge. He was a raw-boned man, naked to the waist, and, like all cooks, he was grumbling about having to cook coffee for three men, what with plenty of work to do for supper. The judge, used to cow-camp cooks, paid him no attention. He spiked the coffee with a shot from his jug.

"Well, Frost might have a representative over here, Cross. Somebody to gum up things from inside or to make reports on progress back to him."

Cross rubbed his nose thoughtfully. "Never thought of that, Bates. I'll keep my eyes open."

The judge and Tobacco left within an hour. Everything, the judge said, seemed to be running along okay. He had Cross send two men out to guard Jed Lipp's homestead. Armed with a list of things Cross wanted sent out by wagon, the jurist and the post-master rode back for Stirrup City.

The dusk was pushing aside the dreary heat of the day. The partners

rode at a walk, each silent for the most part. Tobacco led the way, slouched in kak, lips working as his molars ground on a fresh chew. And a pace behind him, giving his horse free range, rode Judge Lemanuel Bates.

They came to the pass and found the wagon-trail that led into Stirrup City. The trail had been dynamited out of rock and ran at this point along a ledge, with a drop of a hundred feet on the south side. The judge eyed the drop studiously, and let his eyes run down-grade to the town that lay below.

The evening was calm and he was tired.

CHAPTER VII

THE local freight-and-passenger was late, arriving in Stirrup City at dusk. Dab Watson, who had spent the afternoon loafing around the depot, took a quick glance at the five freight cars, then went to report to Mack Frost, back at the Rainbow Bar. Frost was at his desk and Bart Webster was dozing in a chair.

Watson glanced at the window, then at the water-pail. "Got a new window an' a new bucket, huh?"

"This afternoon," said Frost.

The dusk was thick and the place was almost dark. Watson settled on his spur-rowels against the wall, squat and hard in the darkness. He told them that the local had just pulled in, and that already Jim Lipp's freighters were unloading the machinery, putting it on the beds of their heavy wagons.

"They'll haul it out tonight," said Watson.

Webster looked up. "How long from now?"

Watson considered. "About two hours, I guess."

Webster looked at Mark Frost. "That'll give us time," he said. "Ought to give us plenty of time." He went back to dozing again, head on his chest.

Frost drummed the eraser of a

pencil on the desk. The sound was loud in the silent room. Then the sound of the locomotive, switching out on the Y for its return trip, killed the tap-tap of the pencil.

"Where's Bates and Jones?" asked Frost.

Watson answered. "Out to Jim Lipp's dirt-camp, I reckon. Anyway, they ain't rid back into town yet; their broncs ain't at the livery. Or they weren't a few minutes ago, anyway."

Webster snored a little.

Frost got silently to his feet. He hooked a polished boot around the leg of Webster's chair and spilled the man on the floor. Webster sat flatly, stupid and angry, his hand on his gun. Watson broke out laughing. Frost had sat down hurriedly in his old position.

Webster stared at Watson. "You do that to me, you idiot? I oughta get off'n the floor an' bend my gun-barrel over your skull!"

"Try it."

Webster got to his feet. He started across the room toward Watson. Mack Frost's voice stopped him. "I did it, you fool. Can't you take a joke? Sit down, an' keep awake."

Webster stopped and rubbed the lower end of his spine. "That didn't feel good," he stated.

"Ain't the pain so much," said Frost brusquely, "as it is hating to be laughed at. All right, our broncs are back in the shed. The stuff is in that sack there. We got everything we need, even to shovels on our saddles. We'd better ride if we get out there in time."

Watson and Webster started out the door. Frost said, "Hey, one of you carry the sack," and Watson said, "You do it, Frost. I don't like that stuff." Frost grinned and picked up the sack. Outside, in the dark confines of the shed, Frost tested the knots in his saddle-strings that held the spade to his kak. When he swung up, he held the sack high, making sure it did not bump against the fork of his saddle.

"You gents act ascares of this," the saloonman said.

Watson said, "I *am* ascares of it."

Webster had no answer.

"Don't go asleep," said Frost.

Webster said, "Forget it."

THEY followed a dark alley out of town. They rode at a walk, not wanting to attract attention by speed. Had an observer seen them, he would have thought them only three cow-punchers heading for their home ranch. And so they wanted it, for they were not riding on a peaceful errand.

Once out of town, they hit a trot, with Frost still holding the sack and its burden, not tying it to his saddle. With twilight gone, the night thickened rapidly; they came to a high point, and the lights of Stirrup City lay below, yellow on the great expanse. Frost marked them and held the beauty of this night, of shadow and light, in him and savored of it. Then the thoughts of the job ahead forced these recollections into eternity.

Webster said, "Riders ahead, coming this way." They pulled into the brush and each dismounted, holding his bronc's nostrils. "Two riders," Webster said.

They waited.

Two men rode by, one blocky and the other lanky in leather, and Watson whispered, "Bates and Jones, Frost. Comin' from Lipp's dirt-camp. Hell, a man could knock each from saddle—"

Frost pushed the man's .45 down. "And land in a pile of hell," he said. "You loco, Watson? Kill them two, an' both Wyomin' an' Montana will turn out, lookin' for the killer. Not from ambush, savvy. Now in a fair, open fight—"

Watson holstered his gun. "Reckon you're right, Frost. But me, I ain't forgettin' that beatin' me an' Webster took at the hands of them two. No sirree, I h'ain't forgettin' that, by jeppers."

"You take orders from me," reminded Frost. He spoke quietly, almost too quietly, yet Watson knew of this man's hardness, and he knew he had brains to match his strength. So Watson fell silent. There would be

a time—the right time—, he told himself.

They waited until Judge Bates and his partner were out of sight. Then they mounted again. They were silent as they rode. They came to the mountain road and went up it, horses pulling against the grade.

"I'd rather them two had stayed at the dirt-camp," said Webster.

Frost shrugged, looked at the man. "Yeah, would have been best if they had, I'd say. But they didn't." He fell to nursing his thoughts. They had time; they were in no hurry. The freight wagons, eavy with their load, would move slowly out of Stirrup City, their mules pulling hard against their collars.

"This is the point," said Frost.

They sat their broncs and looked at the dark trail, at the dark mountains on either side, and they heard the sound of the mountain creek, beating on the rocks in the gully below.

"I hate to dig" said Webster slowly. "When I was a kid, back in Indiana, the ol' man made me dig post-holes. We had a row an' I pulled sticks." He looked at Frost. "Lead the way down, Mack?"

Frost got off his horse and led him to the buckbrush that fringed the outside trail. To an unexperienced man who did not know the country, it would seem that Frost would walk off a sheer precipice, but such was not the case, for this man knew this country well. He found a trail that wound downward and, some fifty feet below, they stopped their broncs on a small flat that was dotted with scrubpine and dwarf cedar, the odors of pitch and cedar strong in the night's stillness.

"No moon?" asked Watson.

first of the week, though, there'll be moon." He was pulling something out of the sack. Webster and Watson were untying their spades.

Watson said, "Show us where you want the holes dug, boss?"

Frost spoke quickly. "Go up on the grade, and dig back a few feet under the ledge of the road. We'll plant the powder there." He was working with some wires and a plunger.

Webster and Watson went up the grade, climbing over rocks and through buckbrush. Frost kept wires out into the brush and down below, for he had a long length of them. He arranged the plunger some three hundred yards or so from the grade.

He stood and looked around, marking their get-a-way trail. They would head down the gully after hell popped, swinging into town. He looked up at the dark night and marked its darkness as his ally. He took off his flat-brimmed Tom Watson stetson and let the cool wind play across his forehead and across his hair. His fingers, he found, were trembling a little.

THE SETTLED down, a dark spot in darkness, and awaited Webster and Watson. An owl hooted in a nearby cottonwood. His nervousness had left, his fingers were steady. Now he heard a noise in the brush.

"This way," he said.

The noise, though, did not turn toward him, it ran out across the brush and died. He waited, wondering. Now his two men came in and squatted beside him. "We heard you call," said Watson. "But that noise wasn't us."

"Must've been a bear," said Webster.

Watson said, "What I wouldn't give for a smoke—"

"Not here," said Mack Frost. "Not because of the powder, but because a cigaret can be seen a long way on a dark night."

Webster spoke. "Everything is all right. We got the holes dug. You plant the powder an' we'll go with you to lead our brons back here. What about this wire and that plunger, when the thing pops?"

"We'll take them with us."

Watson nodded. "No evidence left against us, then. Though people will suspicion us, I reckon. Do we blow a team or so off the road?"

"No team. We don't want to kill anybody. Just blow hell out of the trail ahead of the teams, savvy? I'll handle that plunger."

The sack was smaller now. They

went to where they had left their brons and Watson and Webster waited there while Frost climbed the grade. Once they saw a bright, quick flare, as though he had lit a match.

"Connectin' wires," said Webster. "Prob'ly hard to do in the dark." He stirred restlessly.

Finally Frost came back, the sack empty.

Watson said, "Figured you was aimin' to camp the night there," and laughed at his own joke. Frost said, "Take the horses," and walked ahead, going to the plunger. They came to it and settled on the ground, sitting cross-legged, each man holding the reins of his bronc.

An hour passed.

Webster was restless. He said, for the fifth time, "I wonder if they've left town yet?"

Frost smiled in the darkness. "Hang onto your nerves."

Webster was silent. He was marking the sounds of the night: the sough of the wind, the rattle of the creek, the noise of the owl. The owl, he decided, distracted him; he could do nothing, of course, with the creek or the wind. He got to his feet and searched until he found a suitable rock. Then, ascertaining the approximate direction of the night bird, he flung the rock into the tree the thought held him.

"You got the wrong tree," said Frost.

Watson was silent.

Webster searched again, found another rock, and flung this, sending it a little to the first's right. He heard the rock hit branches and then something flopped out of the tree, wings making a loud noise. He could see the dim outline of the owl as he flew over the ridge.

"Now shut off the crick," growled Watson.

Webster stood tense, listening. "I heard a tug chain rattle," he said. "They're comin'."

Frost remained crouched. Watson still was down. They listened. Finally Watson said, "I think you're wrong—"

"He's right," said Frost. "I heard the sound, too."

They were all standing, now. The sounds grew louder: the rattle of tug chains, the grind of wheels, the snapping of lashes as drivers put their mules against the grade. They waited and time ran on, ticking its way across the night. The owl sounded again and Frost said, "He just moved stations, Webster."

"T'hell with him," growled Webster.

Watson asked, "Wonder if Bates and Jones are on those wagons?"

"Why should they be?" asked Frost.

"They might be goin' out to the mine."

Frost said, "They're home, in bed." He glanced at Watson. "What difference would it make if they were on the wagons?"

Watson had no answer.

They waited, and the dark, slow wagons moved above them. Watson moved up, following the wire; he took his station, with Webster below him. Frost was waiting, holding the plunger.

He pushed it down.

THE ROAR was loud, and he pushed too late. A wagon and six mules were blown off the trail. Webster and Watson came running back, carrying the wire. Frost yelled, "Get your broncs and ride—"

Webster turned his horse. "Too late," he said. "You blowed a team an' wagon—there'll be hell to pay for this!"

"A wide-open game," growled Frost.

Out of the ruckus above, a rifle was talking. Another rifle took throat. A slug plowed close. They rode out on a lope, heading down the creek. Bullets were talking to them.

They cut across the creek, riding hard and fast and hurriedly. Again, rifles talked; again, lead whined. Frost took the lead and thought, "Well, they'll never be able to prove we did it. We got the wires and the plunger and there's no evidence left behind."

They gained the ridge. Lanterns were moving beyond them, there on

the road, as men investigated the dynamite's damage. Watson came close and said, "Webster, boss. He's shot."

"T'hell you say." Frost turned quick.

Webster was low over his horn. He said, "A rifle bullet got me. Through the back when we were by the big lone pine. There's blood on my shirt and my back."

"Bad luck," said Watson.

Three riders were moving in the brush below them. They could not see them, at first, but they came across a clearing, riding quick and hard, heading for the wrecked wagon.

Watson said, "That's Jed Lipp an' two men that come out to his place today, prob'ly as guards. They're headin' up to see the ruckus."

Webster said, "Don't let them find me," and he didn't look up.

Frost spoke slowly. "They're riding by, Bart. Can you ride a ways father? We got to get further away. Watson, help him. I can't do much, with this plunger in my arms."

"I'll make it," said Webster.

There was no pursuit. There would be none: the night was too dark, too thick. Frost figured they were lucky to have seen Jed Lipp and his two bodyguards. Lipp would tell the men up at the freight-wagons that he and his riders had seen no sign of him, Frost, and his men. Frost kept thinking of Jed Lipp. There would be nobody at Lipp's homestead.

He went around in his saddle and looked back at the lanterns, moving like distant fireflies on the ledge. Then the hill came up behind him and blocked the lights.

Watson said, "I think he's dead, Frost."

Frost brought his horse up with a jerk. He came down and walked to Webster's bronc, and he took the man from the saddle, with Watson getting down and helping him. Webster was limp and Frost felt that he had no breath. But to make sure, he found where the pulse should have been.

"He's dead," he said.

Watson felt the pull of fear. This had backfired; it had come too fast. Death was too near. Webster knew

the answer to the riddle, but he could not tell it. He found himself thinking that.

Frost was on his haunches, settled and hard. He looked long at Webster, then up at Watson. He said, "Jed Lipp ain't home, Watson."

Watson asked, "Why say that?"

"He isn't home. Think that over for a while."

Watson caught on, and nodded.

CHAPTER VIII

JUDGE Lemanuel Bates had been riding on the second wagon, swapping yarns and drinks with the mule-skinner, when the powder had blasted the lead wagon off the road, sending its remains down the cliff.

The thing had happened too suddenly for clear thought. One moment the world had been calm and peaceful, broken only by the night sounds, the pull of mules, the creak of heavy wheels. The next, red bedlam reached out and grabbed them, and mules were rearing and fighting. And the wagon ahead, with its driver and load, was sliing, falling, and mules were screaming in pain and fear.

"Dynamite!"

The skinner beside Judge Bates was fighting his mules, hauling in on his ribbons, talking to the frightened beasts. And Judge Bates, the first shock passed, was fumbling under the canvas, for here the driver had put his Winchester .30-30 rifle.

Mules were quietening; men too, were losing voice. And the judge thought he heard riders moving in the ravine below. He was on one thick knee, the rifle's stock against his cheek, as he worked the lever. He was firing only by luck and without hope of connecting.

He was sure he heard horses crashing brush below. But the sounds, if he did hear them, would, of necessity, be weak—there was too much going on around him. He lifted his rifle and shot again, running the magazine empty.

"No use, Bates," the driver said. "Waste of shells, I calls it. Night too dark. They need us, up ahead."

Their mules quiet now, skimmers were going ahead to where the dynamite had lifted the road. And the dynamite had done a good job, for the road was entirely blasted out and only a dark chasm existed now where the wagons had recently run. The skinner behind him, the fat jurist was sliding down the loose shale, coming to where the wagon and mules lay on the grade. And miraculously the driver was sitting upright, holding his head and staring at them, dazedly.

"You all right, driver?"

"I—I guess so, Bates."

"We better get you up on top, Spike," said a skinner.

But Judge Bates shook his jowls. "Leave him sit there until the shock passes. Luck rode in his seat with him." He spoke to the skinner he had ridden with. "How are the mules, friend?"

"Four are plumb dead. One's got a busted leg an' the other can't get up. We'd better shoot them, huh?"

"Shoot them and unharness them."

Each wagon carried a lantern to be used in an emergency. Now the flickering rays of the yellow lights showed clearing the devastation. The load was spilled, dug partly into the gravel; the wagon was broken, the reach snapped, one front wheel balanced askew.

"Mack Frost's behind this," a man stated bluntly.

The driver got to his feet. "I feel better now." Two men got him and helped him up the grade, despoiting him near Judge Bates' wagon.

Somebody said, "If Spike dies, I'll kill Mack Frost for this."

THE JUDGE let the talk run its cycle. It released tense nerves. Maybe Mack Frost was behind this, maybe he or his men had dynamited this wagon—but the judge, used to thinking in concrete terms, knew that charge, if carried to court, could not be proved because of lack of evidence. He wished the night were not so dark. With a moon, a man might

have a chance; but now, it was too dark to do anything.

"Three riders comin'," stated a man.

There was a "Hello, men," and Jed Lipp came in, the two guards with him. They had heard the roar and seen the flash from Jed's cabin and had come to investigate, coming up the gully. The jurist asked if they had seen anything of any riders down in the gully, and Jed Lipp shook his head slowly, the light from a lantern showing him clearly to the judge, who stood on the ground and looked up.

"Nary a sign of any riders, judge. Why ask?"

The judge fairly snorted. "Why hell, man those dynamiters were down in that canyon, that's why! And surely it seems logical that you and your men should have met them fleeing down the wash!"

"We never saw hoof or hide of 'em, Bates." Jed looked around. "Where at is Tobacco?"

The judge told him that Tobacco was probably home in bed. Anyway, when they had reached Stirrup City, Tobacco had headed for his sougans while he, the judge, had seen the freight-wagons loaded, and had decided to make the run to the mine. The judge found himself wondering why Jed hadn't met the men who had dynamited the wagon. Maybe the men had ridden right over the next ridge.

Aided by the light from lanterns, they inspected the hole torn in the road. No teams would move across it for some time. Dirt and gravel would have to be dragged down from the mountainside, covering the hole. Frost had profited in two ways, the jurist noted. He had kept supplies from reaching the mine and, besides, part of the railroad crew would have to leave its right-of-way work and come up and repair the road.

There was nothing to do but unhitch the other mules, turn them around, and trail them back to feed and water in Stirrup City. And to old Jim Lipp, still in bed, this would be a hard blow. The judge wondered if there were not some way to keep

this news from Jim, and he mentioned that fact to Jed, who shook his head after a bout with his thoughts.

"If'n me or you don't tell Jim, somebody else will. An' I'd rather he got the straight story from you, Bates, instead of hearin' a blowed-up account from somebody who prob'ly never even saw the dyneemite flare."

"Tobacco and I are getting a printer in to take over *The Blade*," the judge told him. "Should be here in a day or so."

"That's good. Wanta drink, Bates?"

They drank from Jed's jug. A shot came up from the wrecked wagon. One mule gone. Another shot followed it. The second put out of his misery. There would be a job of clearing here to do. And the judge suddenly realized he was sleepy.

Jed said he would go down and notify Jack Cross, down at the dirt-camp. He and his men rode off. The skimmers were going back toward Stirrup City, riding mules and hazing the others along. They had unharnessed them, throwing their harnesses over the wagons. Spike was with them, riding a mule. He attributed his being able to breathe to the fact that, when the explosion went off, it went off under his lead-mules, not under his wagon. If it had exploded under his wagon—

"I wouldn't be here," he had finished.

The judge had nodded. Now, his back to a wagon-wheel, he dozed, the only man at the wreckage. He wished he had some hot coffee, for the night air was chilly, but he had none, so he drank of his jug instead.

A man of direct action, he hated the thought of having to sit here, waiting for daylight to come. But he had no other choice. The night was dark and there would be no moon and only the rising sun would be a bright light.

He had a hunch that Mack Frost had dynamited this road. In fact, it would be nobody else but Frost. He thought, "If only I could prove that." Maybe morning would give him some concrete clue.

MORNING brought only the dirt-crew and Tobacco Jones. The gaunt man left his bronc and squatted beside the jurist, talking in low tones. Dirt-boss Jack Cross and his strawboss studied the hole in the road, climbing the bank behind it. After half an hour of scrutiny, Cross squatted beside the judge, too.

"Take about three days to fill 'er, Bates. Lots of dirt to move. When that powder lifted the road, it moved it an' part of the mountain down into the gully. Now there's mostly rock up above an' dynamite will have to loosen it. That calls for drillin' an' a powder monkey."

"You can't haul in dirt with dump wagons?"

Cross rubbed his nose. "No place around close to haul it from, Bates. And besides, this slant is so steep it would make for hard pullin' on the mules. No, we gotta dynamite part of the mountain down."

"No other way to reach the mine?" asked Tobacco.

Cross shook his head. "No other way, fella. Jim Lipp built this road, only one to the mines. It's this way or no way until the railroad builds through, an' only the Devil knows when that'll be at the rate we're bein' held up on our grade work."

Tobacco growled, "Mack Frost sure played an ace."

Judge Bates spoke. "Have you any proof Frost did this?"

"What proof does a man need? Hell, the whole country knows Frost did it, 'cause who else would?"

"But that won't convict the man in court."

"You an' your court— Hell, 'twas a time when this was a good country—when the law on a man's hip governed this country just: Now, with these new-fangled courts—"

The jurist's smile was thin. "You'd never live long without the law," he stated. "You're too slow on the draw. If men carried their law on their hip, like you want, you'd have no law on your side, seein' you're so slow with your pistol."

"Lissen to him," Tobacco told Cross.

Cross said, "We gotta get these

wagons back out of the way when we blast our powder." He started giving orders to his dirt-crew. The judge walked down the slope, sliding in the shale, Tobacco trailing him. They stopped and looked at the broken wagon and the dead mules. Already workers were clearing the machinery out of the wagon, taking it laboriously up the slope to the road.

The day was getting brighter and the dawn outlined pines and spruce. They went down the slope even further, looking for tracks. They found plenty. Three riders had evidently blasted the road loose.

Tobacco spat, scowled. "Seen Mack Frost an' Dab Watson ride into town," he said. "They came from the east, though, not from this direction. Anyway, I reckon it was them; although it was damn' dark."

"When was that?"

"Couldn't sleep; worried about you. I was lookin' out the hotel window when they rode into the livery-barn. Not the big one, but the one back of the Rainbow Bar. So it must've been them?"

"Probably was."

"But they came from the east, Bates."

"They could have circled town to make it look like they came from the other direction than this wreckage. But trail-spoor shows three riders here; where was Bart Webster?"

"He weren't with them."

They followed the trail until it criss-crossed the trails of Jed Lipp and his two men. The judge stopped once and knelt and looked at a blade of tall mountain-grass.

"Looks like blood," he said.

Tobacco nodded.

They saw no more traces of blood. The judge got figuring maybe it wasn't blood they'd seen. Hard telling what it was, the mark was so small. He and Tobacco got some saddle-horses and rode into Stirrup City.

Men were moving on the street, despite the early hour. Some were riding out to look over the wreckage. The judge and Tobacco turned in and slept for a few hours. After

breakfast, they went into the Rain-bow.

Mack Frost was playing seven-up with two cowpunchers. He lifted lazy eyes and asked, "Something, gentlemen?"

"Where's Webster?" asked the judge.

Frost glanced at Watson, who was leaning against the bar and listening. "So you admire my men so much, you want to chum with them, huh, Bates? Well, Webster rode out last night, said he was going out to talk to Jed Lipp again. He ain't come back, yet."

The judge dallied with that mentally. Funny, Jed hadn't mentioned Webster seeing him. He wondered if Frost were telling the truth. He told the man about the wreck and Frost sighed and said, "I suppose you blame that on me, huh?"

"You were out riding last night?"

Frost lit a cigar, spitting out the end. "Yeah, me an' Watson were out to the Lazy Z ranch, east of town. Came in about sunup, I reckon. You can ask Mossy Pilgrim, who runs the Lazy Z. He'll tell you we spent the night playin' cards."

The judge had heard of Mossy Pilgrim. He was, according to reports, a shady gent, owning an unsavory reputation. Maybe he was in on this, too. Anyway, he had nothing to gain here, talking with Frost.

"He's oily," said Tobacco, outside.

CHAPTER IX

THE JUDGE told Jim Lipp about the wreckage. What he could see of the man's face turned to a bright red. "Doc says I'll be up in a week, Bates. I'll trim the horns of those mossybacks when I gets my two legs on the ground. So they done blowed one of my wagons to hell, huh? Sure glad Spike got out okay."

"You rest and take it easy," admonished the jurist.

"I can't," said Jim Lipp. "I jus' cain't, Bates. But the doc says I gotta stay in bed."

"And you stay in bed, too."

Jim looked around, half-fearing the doctor was in the room. But only Judge Bates and Tobacco stood there. "How about a drink, Bates? Just a mite of it, sir. Seems ages since I've tasted good lickin'—"

"What does the doc say?"

"He don't want me to drink, of course. But he don't want me to do nothin' that will make me enjoy myself a little. My halo's so damn' tight it's pinchin' me like the sweatband of a small Stetson, Bates."

The judge let the man drink from his jug. The jaws worked slowly, moving the bandages, and the lips wrapped themselves around the jug's mouth. Raw whiskey ran down the throat, making the bandages rise and fall. The judge moved the jug back and Jim Lipp lay still, eyes closed and lips moving.

"Now come after me, Death," he said. "I'm ready for the grave."

The jurist told him his brother was partner left. Jed Lipp was waiting for them in the lobby. "Work's goin' along all right out on the grade," he said. "How's Jim this a.m.?"

The jurist told him his brother was getting along as well as expected. There was nothing the two partners could do in town so, despite the judge's tiredness, they got their tackle and rode out to go fishing. The day was clear and meadow larks sang on the mountain meadows.

Jed Lipp rode part ways with them. "Lots of trout back of my cabin," he said in parting. "Try that water back there, Bates. Now I gotta get up on the grade an' see how that fill is comin'."

He left them, pushing his mule up the incline. The judge took a drink and again mentally admired the man's brewing skill. The sun was warm but not hot, and it felt good on his broad, fat back. But all the time, back in his mind, was the ever-present thought of the problem at hand, and the desire to reach a solution to it as speedily as possible.

He had faced many problems before, but this was a little different from any of the others. For one thing, Mack Frost was smart; too smart, probably. The man had a keen

brain. Others had depended upon brawn to see them clear, but that would be Frost's last resort, he figured.

What had started out to be a peaceful fishing party had turned into a dangerous, hard game. The dynamiting of the wagon on the cliff had definitely proven that point. The days ahead, unless he were wrong, held no idle moments. But, at the present, he did not, for once, know just where to start.

Two paths faced himself and Tobacco. One was the road of violence: of gunsmoke, and of contesting guns. They could call Frost's hand and make him go for his gun, and, in the ensuing struggle, they might kill him. That was the old way, the former way employed by people of this country. And that way was definitely in the discard; he knew that. It would only be used if Mack Frost forced it on them.

He, as a judge, as a chosen arbiter of the people, could not cling to such a method, unless, of course, it were forced on him and he acted in self-defense. The other way, the legal, natural way, would be his choice.

Ever alert to any possible danger, he always wanted to know the exact whereabouts of his opponents, and he found himself slightly worried about Webster. Where was the man?

Frost had said Webster had ridden out to see Jed Lipp. Yet Lipp, back yonder, had said he had not seen Webster. Then, where was the gunhand?

"But why think of him?" growled Tobacco. "Yonder is a likely pool, Bates. I'll take it and you go to yonder fork of the creek." He went through the waist-high buckbrush, careful of his line.

THEY FISHED that morning, letting the sun rise and gather warmth. And Judge Lem Bates felt some of his unrest, his uneasiness, leave him. For he liked fishing. Always one to pit his skill, his logic, against another, he found an innate delight in luring the wily trout from their habitat.

He let his fly float down the cur-

rent, hoping it would sink into yonder pool against the far bank. But the fly was too light; it danced nimbly on the water, and no trout rose to challenge its progress. The judge reeled in, letting the fly take the rough water again; and again, it met no challenge. He pulled the hook in and changed to one laden with a fat angleworm.

The worm adjusted to his satisfaction, the line went out again. This time it flecked past the riffles and landed in the pool, the end of the worm wriggling. And then the trout came, rising like a shooting star. The line sang in sudden tension, and Judge Bates grunted as the big rainbow hit.

The battle was on then; a battle short and bitter. Three times the judge gave slow, stubborn line, playing it grudgingly and hoping it would not become wrapped around some sunken, hidden barrier of stone or stick. And such was the big rainbow's desire, for he kept going for deeper water.

Braced in the gravel, the water sweeping around his boots, the thick-set jurist angled and sparred, working the fish to a tired state. And the time came when the trout, the reel locked, stopped and lay silent, fighting for more strength. Judge Bates reeled, pulling him closer, keeping his line taut.

This was like breaking a bronc to a hackamore. The more the bronc pulled when gay, the more rope he was given. But, when the edge was taken from his wind, then a man would start to use force, to pull him around and teach him to lead. And so the judge played the trout.

Slowly the line came in, slowly the trout rose. Now the jurist saw him clearly. He decided this was the biggest rainbow he had ever caught, then he remembered he had not landed him yet. Had the fish followed the usual luck of all big fish, he would have escaped, but such luck was not his. For soon he lay on the rushes, gills rising and falling.

A voice said, "A likely fish, Bates, but smaller than the big one I landed in the Wind River."

Tobacco Jones stood there, water dripping from his boots, his creel heavy with brook-and rainbow-trout. Judge Bates, the tension gone now, glared at him with a hardness.

"You've never seen a fish that big, sir, let alone land one."

Tobacco settled on his hams, mas-ticating his tobacco with a slow deliberateness. "Bates, you always want to make me out a liar, huh? You never even saw this big fish I caught. You weren't along with me."

"And nobody else ever saw it, either."

Anger ran across the postmaster's eyes, then his shoulders lifted and fell. He dismissed the subject of largeness and turned to that of taste and texture. "Bet he'll be tough, Bates. All big fish are more or less tough."

"Depends on who fries them, and how. Many times it is best to broil a big fish. What did you do with your big one?"

Tobacco detected a note of sarcasm in his partner's tone. He decided to get completely off the subject of fish. "Jed Lipp's dog must've been a big dog," he said. "A great big dog."

The jurist looked up from admiration of his fish. "What are you driving at, Tobacco?"

"Your memory is as fickle as a purty woman's smile. You mind how Jed told us about losin' his dog, don't you? Down in Stirrup City, when he was tellin' all his troubles over your jug?"

"I remember, now."

A frown pulled down Judge Bates forehead. "Seems to me Jed said the pooch was a terrier, a fox terrier. Maybe you saw a place where the creek, when high this spring, washed in some top soil and deposited it around a stump and covered it?"

"Your imagination, Judge, is only matched by your judgment of my intelligence."

The judge sighed openly. "Your association with me has done one thing, at least—it seems to have boosted your ability to speak properly."

Tobacco gave up. "Get that little

minnow an' let's travel, judge. We'd better get back to town."

WITH THE dour man leading, the judge followed through the buckbrush. Wild roses were delicate on their mother plants and put a slow aroma into the air. Chokecherries were blooming, too, for there had been the usual late frost in Montana. Suddenly Tobacco stopped in the clearing.

"There's the grave," he said.

The judge tipped his jug, eyeing the mound over the crock's clear surface. He allowed that the dog must've been more than a terrier; he must have been a mastiff, at least, to occupy such a large space of the earth. Tobacco grunted that maybe Jed had dug a large grave; he had lots of space. In fact, they could bury all the people in the world, and still have plenty of space left over. With this sad thought, he turned on his way again, the judge following.

They got their horses and rode to Jed's cabin. They met one of the guards, but did not mention the grave to him—it contained only a dog. They talked with him for a few minutes, then turned their broncs up the grade, finally reaching the road that led to the mines.

When they came to the point where the dynamite had lifted the wagon, Jack Cross and his men were working with teams and powder, hurrying to fill the breach. For, as the dirt-boss said, the mines needed the machinery, and he had pulled his entire crew off railroad work, putting it on the job of filling this breach.

The partners were silent, digesting this news. With the Lipp men working here, Mack Frost was gaining a day for each day spent here. And, as Jed Lipp said, it would be only a matter of hours until Frost's crew reached his fence.

"They can't get through that fence," assured Judge Bates. "Even if Frost got a condemnation order from Judge Williams, it would be a week at least before appraisers could turn in their reports. No, he can't go beyond your fence."

Jed spat and boned a drink off the judge.

"That dog of your'n took a big grave," said Tobacco.

Jed studied him. "My dog? Heck, he was just a terrier. Buried him under that small boxelder. I just sodded up the ground and it lies level now. You'd never tell a dog was buried there."

The postmaster scowled and looked at Judge Bates, who was scowling too. The jurist told the elderly homesteader about the mound they had found. He even described its exact location. Jed frowned and said he would look into the matter when he got home.

The partners turned and rode toward Stirrup City. They were both quiet, as was their habit when on the trail, and the judge dozed in his saddle, tired from the sun and the night's doings. He told Tobacco he aimed to take a nap when they reached town, and Tobacco allowed that he was tired, too.

"But you had a good night's sleep," said the jurist. "Me, I was out there on that grade."

"Jim's on a spot," said Tobacco.

The judge had no answer to this. They reached town, ate at the Cafe, and went to their room, where the jurist allowed his rough form to sink into the soft feather-tick. But it seemed that he had hardly got to sleep when his partner was roughly shaking him awake. Evening shadows grouped themselves around the room and the jurist realized some hours had passed.

"What's ailing you, Tobacco?"

"The sheriff, judge. He just rode into town. And he had handcuffs on Jed Lipp? They just went into the jail."

The judge came awake hurriedly.

out on the Y to turn for its return trip, the Frost man looked carefully at the seedy, small individual who checked his baggage and some boxes, recently unloaded from the train.

Watson was openly curious. He had seen specimens in his time, many of them during the gold rush here in Stirrup City, but this man was of a type he had not encountered. He found himself cataloging possible callings this man might fit, and he realized that these callings could run the gamut of jobs from hog-calling to hypnotism. But he knew that the man was no weight-lifter.

For the man was not much over five feet. He was thin, too, and his beard was scraggly, hanging down despondently from a bony chin that hinged below two huge ears. He wore a brown suit, the coat too long, the knees with bags a squirrel could hide in. His shoes were patent-leather and cracked with age and misuse. At the moment Watson accosted him, the man was inspecting a box made of hardwood and with steel straps around it. The Frost man had watched the baggage-man try to unload it, but the man had been forced to call on the brakeman and conductor to help him put the box on the push-truck. Apparently it held a great weight and Watson's curiosity was openly aroused.

"Howdy, stranger. Welcome to town. I'm Dab Watson."

The small man regarded him from under iron-gray brows. "What of it?" he asked. "You proud of it?"

Watson was openly puzzled. "Proud or what?"

"Of being Dab Watson?"

Plainly this gent was proddy. Watson felt his anger rise and he pushed it back, for he wanted to know something about this fellow's presence here in Stirrup City.

"Good a name as any, I reckon. What's your handle?"

"Greenback Fox."

Watson decided to be humorous. "You might be a fox, but you sure ain't got no green back, not that I kin see."

"Your eyes might be bad. A green-back is something you fold and put

CHAPTER X

DABNEY WATSON had taken up a familiar position of his, that of loafing at the depot. Now, with the evening mixed-freight on siding, with the engine backing

in your jeans. But maybe you've never seen a greenback?"

Again Dab Watson told himself this was a frosty old mossyhorn and that he ought to dehorn him. He decided he wanted to know more about this oldster. "What you got in this box?"

"Just what you got in the seat of your Levis. There's lead in this box."

"You're a rough ol' rannyhan." Watson was grinning. "But what for would a man tote around a box of lead?"

"Printer's lead."

Watson nodded, noticing that another box bore the label: *Paper*. "So you aim to start a print shop here, huh?"

"That I aim to do, sir. My good friend, Judge Lemanuel Bates, sent for me. Now if you will step out of the way—"

But Watson still stood and blocked the truck's way. "We had one printer here, but his shop burned down a few nights ago. Danged near kilt him in the flames, too. Me, I'd be kinda afraid to start up here, I would."

"But you aren't me. Now, please step aside—"

But Watson was still anchored. He had, in fact, put one boot under the front wheel of the truck, an open challenge to Greenback Fox to pull the heavy truck ahead. Watson figured the small man could never move the truck.

But Fox's small stature seemingly held a strong wiriness. For he jerked on the handle, turning it sharply. The truck lurched ahead and the wide iron rim ran over Watson's boot, making him howl. He reached for his gun but Greenback Fox had an ancient hogleg in his hand. Watson realized the small man had jerked it out from under his belt. He got the impression that he had overplayed his hand and overestimated his own prowess.

"Watch yourself," growled Fox.

Watson looked hard at the gun. "I wasn't goin' draw, fella. You sure roughed up my toes."

"After this, watch where you place them."

WITH THIS timely advice behind him, Greenback Fox devoted all his time to pulling the truck, wobbling down the main-street. He pulled with one hand, the hogleg dangling from the other. Watson watched him for a long moment, then turned and, limping a little, he went into the back door of the Rainbow Bar. But Mack Frost was not there so he went on into the saloon proper, where the bartender told him that Frost was over to the jail.

"Who was that old bird who went by pullin' that mail truck?"

"Our new printer," grumbled Watson. He stood in the doorway, his foot feeling anything but well, and he watched Judge Bates and Tobacco Jones come out of the jail, stopping Greenback Fox and shaking hands with him. Watson wished he knew what the three were talking about.

"You're ahead of schedule," said the judge.

"Got your call," said Greenback, "an' packed in a hurry. Glad to get away from home, men. That daughter of mine— She's a fright. She should have a woodpecker bill, 'stead of a mouth. She'd drum on me all day."

The judge admitted that some women had that habit. He pointed out the shack wherein Greenback would install his type and paper and print the Stirrup City Blade.

"But just forget you know how to engrave and print currency."

Greenback sighed. "I wish I had never worked for the gover'ment in Washington, D. C., Bates. It was there that I learned the art of engravin' an' started printin' currency. But a man can't backtrail, I reckon."

"We got enough trouble as it is," assured Tobacco.

Greenback bummed a chew from the postmaster. He bummed a drink from Judge Bates. He too complimented Jed Lipp's liquor. After some time, he asked what the nature of the trouble was, and the judge gave him a sketchy account of the set-up here on Stirrup range, telling him the

sheriff had just taken Jed into town on a murder charge.

"Who'd Jed murder?"

"Nobody, but they found him diggin' up a grave, I guess. Anyway, Jed says he was digging it up, but the law claims he was filling the grave up. Anyway, the sheriff has a murder charge against him."

"A grave, huh? Who occupied it?"

"One of Frost's gunmen, Bart Webster."

"A riddle," said Greenback. "One thing is certain, and that is I had better get to press with a scathing editorial against Mack Frost, claiming the innocence of our friend, Jed." He tugged on the tongue of the truck. "Now, if you'll give me a start to gather momentum—"

The partners pushed and got the truck started. Judge Bates said, "Drunk as usual, the old frost-eater. Well, better get back inside, huh?"

Jed sat in his cell. Again, Sheriff Matt Jorgenson repeated his story. Mack Frost had reported some trouble in his dirt-camp. The sheriff had ridden out, cutting across Jed's land. And he had found Jed burying Bart Webster.

"I was diggin' him up!" hollered Jed.

"Don't holler at me!" growled the sheriff. "I'm a married man, an' my wife hollers enough at me, an' I don't cotton to it from my prisoners."

"Well, I hate to hear a lie."

Jorgenson's nordic face was patiently patient. "I ain't lyin' on ye, Jed. Hell, you're my friend, fella."

THE JUDGE listened to the banter, wondering just what was behind all this. As close as he could figure, Mack Frost had sent the sheriff out, knowing he would find Jed digging at the grave.

The whole thing was rather jammed up, the jurist admitted. He started from the first. After he and Tobacco had told Jed about the grave, Jed had ridden home and was digging on it when the sheriff arrested him. In fact, Jed had been dragging Webster's body from the

grave when Jorgenson had jumped him.

"But I weren't buryin' Webster," declared Jed. "I was diggin' him up to see who he was—the light was bad, there in the bresh. Maybe it looked like I was buryin' him but I weren't."

The judge and Tobacco had told about finding the grave. But plainly Jorgenson doubted their word; he figured, probably, they were lying to cover Jed. The judge had argued with the lawman but to no avail. For Jorgenson was a dour, tough man and his mind was made up. He had had Judge Williams issue a murder warrant for Jed's arrest.

Judge Bates was boiling mad. He threatened every legal recourse toward Jorgenson, even going to the point to invent some legal phraseology. None of this, though, had any effect on the Scandinavian. Jorgenson had made up his mind, and he wouldn't unmake it.

Tobacco doped the scheme out. Evidently Frost had watched him and the judge when they had unwittingly found Webster's grave. Frost had watched them talk with Jed; had seen Jed later ride to the grave.

"Then Frost has rid into town, an' given Jorgenson this cock-an'-bull story about trouble in his camp, so Jorgenson rode out and naturally he saw Jed at work. An' he picks Jed up for murderin' Webster."

Further evidence had entangled Jed deeper into this mess. A week ago, he had fought with Webster on his land, he would gun the man down. Now the sheriff had found him beside an open grave, with Webster dead in the cut.

The judge and Tobacco went outside. "We shoulda dug into that mound," declared the postmaster. "'Cause if we'd—"

The judge pulled at the cork in his jug. "Whoa up, partner," he warned. "This is no time to recollect and reminisce. Jed is in jail on a serious charge. Frost put him there through a bit of skillful work, unwittingly using us as his dupes. Why did Frost do this?"

"What get's me is this: who killed Webster?"

Tobacco spat, chewed. "Who did, I wonder?"

"You mind that blood we saw back yonder in the canyon? Mind when we trailed them three that blasted Jim Lipp's wagon off'n the road? We seen blood, remember? Well, unless I'm badly wrong, that blood came from Bart Webster."

Tobacco was nodding, eyes serious. "I get it, Bates. Webster was wounded; he died. So, to put a charge against Jed, Frost buried him on Jed's homestead." He sighed deeply. "And we can't prove a thing. All we can do is to guess."

"Jed and his two bodyguards came riding up to the wrecked wagon," said the judge. "That left the place unguarded. So Frost pulled this fast one on us. And, by hades, it worked, and worked to perfection. But why jail Jed? That doesn't give Frost license to move across Jed's land with his right-of-way."

"But if a court convicts Jed—"

"That would take time, possibly months. Then, if Jed were convicted, the land under his name, no doubt, would be declared government property—in other words, his homestead entry would be automatically cancelled. Frost might profit by that, but by that time the race to get a railroad to the mines would be done with. I can't see through this."

"No other legal action, judge?"

The jurist was thoughtfully silent. "There might be something I do not know, so I guess I'll go down and visit with Judge Wililams at his home."

Tobacco got to his feet. "I'll go along too and see what the old billy-goat has to say."

kerosene lamp on the desk showed the flat planes of the attorney's craggy face.

Frost rubbed his hands together and chuckled. "It worked, John, it worked! Jed Lipp is in jail on a murder charge! A good thing it was for me, when Bart Webster got killed!"

Smith's lips broke into a slow smile. "Kind of tough on Webster, though," he opined. He got to his feet and walked to the window. Judge Bates and Tobacco Jones were talking with a small man who pulled a truck-wagon behind him. He watched them for some time until the judge and postmaster went back into the jail and the short man continued down the street, stopping in front of the new print-shop where the judge had already had the printing-press installed.

"Wonder who that old duck is, Frost?"

Frost studied the man through the dusk. "Got me," he said. "Stranger to me, I'd say. Not much light, though, and hard to tell."

"Must've just got off the evening train," allowed John Smith. "Wonder what he intends to do in that shop?"

Frost saw the light. "Hell, them two ol' devils has sent out for a printer, sure as heck. Here comes Dab Watson. He was down at the depot. I had him there to look over any passengers that got off'n the train."

Watson confirmed Frost's conjectures regarding Greenback Fox. He did not, however, relate his painful experience with the old printer. Frost asked him what made him limp and Watson said his bronc had stepped on his foot with a steel-shod hoof. Frost grinned and allowed as how he might have dropped a bottle on his instep. The Rainbow man was feeling good.

Watson growled something and left, going back to the saloon to repair his damaged dignity with some bottled goods. John Smith took his seat, his face long, and the drumming of his bony fingers was heard.

"You worried?" asked Frost.

Smith looked up, smiling a little. "I don't like this Bates gent," he

CHAPTER XI

THE BARTENDER had been wrong when he had told Dab Watson that Mack Frost was over at the jail. Frost was down the street in the office of his attorney, John Smith. The yellow rays of the

stated. "So far, he doesn't know I'm in town. I'm practicing law in Montana under a phony license."

"He'll never know the difference."

"He can contact Helena," said Smith. "He can find out there from the state bar association if I have a Montana license. I don't cotton to spend a few years in Deer Lodge, Frost."

"You won't." Frost pounded his fist into his palm. "We got Bates, John; got him slick. He prob'ly don't know about the law here in Montana that let's a man's homestead rights fall flat if he is arrested on a serious charge, one like murder. Has Wyoming got a law like that?"

Smith considered. "No, it hasn't. Not that I am aware, anyway. Myself, I think the law is unconstitutional, but one legislator got it on the statutes, using the law in just such a case as we are using it here. For myself, I'd say that Bates is not aware of this law."

"Bring out your papers," said Frost. "I'm slappin' second homestead rights on Jed Lipp's homestead."

"I have them ready," said John Smith. "You should have kept Watson here as a witness."

"He can sign later."

FROST READ the papers, studying them with the lamplight close to his face. He signed them and told John Smith that he'd send Dab Watson up to sign as a witness. Smith assured him that he would file them immediately with Judge Isiah Williams, the next legal step.

When Frost left, Smith sat at his desk, his fingers still lifting and falling. His mind was busy exploring this set-up for possible personal danger. The coming of Judge Lem Bates disturbed him. As Frost's attorney, he had had easy pickings.... now with the judge on this range....

He thought, "The jig is up for me," and he felt angry. What right had Judge Bates to come along and—Dab Watson entered, breaking his thoughts. The gunman asked, "Where do I sign?"

"Do you know how to write?"

Watson smiled. "I'll sign my full name. I'll put down two x's instead of one." He took the pen, stroked a line on a piece of wastepaper. The pen satisfactory, he signed his name slowly, writing in small letters. Smith looked at it and nodded. "By heaven, you do know how."

"I can do other things," said Watson. His anger was flat, strong. "I could buffalo you over the head with my six-shooter—"

The gunman stopped suddenly, John Smith had a little gun in his hand, a derringer—a gambler's hide-out gun. He smiled and asked, "You'd do what, my friend?"

Watson stepped back. "Never knew you packed that, Smith."

"You know now."

There was a silence. Watson shrugged and said, "All right, mama's boy, you win," and he walked out into the night.

Smith listened to his boots retreat, and he smiled with a wan boyishness. He sat there for another half hour or so, then he got to his feet and blew out the lamp. A tall, rawboned man dressed in a black suit, wearing a flat-brimmed black stetson, he went down the street, his boots sounding on the rough planks.

The night was quiet. No crews were in town to spend their night's wages; a calm held the rangelands. But there was no peace in the heart of John Smith. He reached the end of the sidewalk and walked into the hills.

The darkness was thicker here. He followed a path worn out first by the hoofs of buffalo, trekking to the creek to drink. The buffalo had gone and cattle carried on, pounding the trail deeper. John Smith followed this.

He was fully aware of the danger that covered this land. And he moved through the cloak of it, gaunt and funereal, dark in his dress and dark in his thoughts. He had seen these signs of foreboding, of danger, before. Now this danger was a clarion call in his ears.

A nighthawk flew overhead, hunting mosquitoes and flies. He heard the boom of the bird's wings as he

swooped down, then lifted. He could not see him in the darkness. He had no thought or ear for this night creature.

He walked for an hour. When he returned to Stirrup City, a kerosene lamp was lit in the new print-shop. The blinds were pulled low or else Greenback Fox had tied a canvas tarp over the two windows. Anyway, the old printer was taking no chances of a bullet from the dark.

Smith noticed this, and another iota of fear took his mind. He put it aside and went to his office, where he got the paper signed by Frost and Watson.

Judge Isaih Williams sat in his easy chair, reading a paper, his slippers resting on the rich carpet, his ankles bony and bare.

"You come as a friendly guest, I suppose?"

John Smith brought a smile to his lips. "I am sorry, Judge, but I come in a legal capacity. I have here a case for my client, Mr Frost. It concerns an old statute with which, I presume, you are familiar?"

"My legal hours are past, sir. I have no wish to discuss certain aspects of the law, familiar to me or otherwise. I shall see you in my office the first thing in the morning."

Smith shook his head. "I am sorry, sir, but I must press my case. Time is the essence of this action, and therefore time is valuable."

WILLIAMS gave in. Smith presented Frost's case. The jurist scowled, and Smith knew that he was annoyed. "That case will not hold in court, sir."

"I am sorry, sir, but Judge Rutherman, over at Choteau, upheld this law, Judge Williams. I shall only be too glad to present you the brief of it tomorrow, if you wish."

"I would like to see that, sir."

Smith bowed and said, "Goodnight, sir." He was going out of the room when a knock came at the front door. Smith looked back and asked, "May I answer it for you, Judge Williams?"

"Thank you."

Judge Bates entered when Smith

opened the door. The fat jurist nodded at Judge Williams, who was getting out of his chair. "Heard tell you were in this town, Smith."

"I am practicing here," said the attorney.

Judge Bates murmured, "I see."

Smith bowed. "I must leave now, Judge Bates. Perhaps I shall see you later?"

"You will."

Smith left, the two words strong in him. Outside, he stood in the shadow of the boxelder on the edge of the lawn, thinking of the two men inside. Why had Bates come over to see Judge Williams? Was his visit purely friendly, based on their long acquaintanceship?

He thought, "I'll sneak under the window and listen," and then changed his mind. Some citizen might come along and catch him eavesdropping. And besides, he probably would hear nothing.

He moved forward, gaining the street. There was a cinder path along here for a pavement. The night was still, swelling and ebbing over the land, and it reminded him of a black, silent wave of water, lapping with noiseless tongue against the encrouching hills.

He did not know why he had such a feeling, such an impression. Maybe there was a God that sat out yonder and guided mortals, now and then forewarning them of the rough spots again. He believed strongly in intuition and fate, despite his wide education.

Now all these, for some reason, were running through him, giving him a sad, strange melancholia. Never one to be too bright, he was often given to low moments; this was not dejection, it was a slow thoughtfulness.

A boy came out of the dark and asked, "Paper, Mister Smith?"

The abruptness of the lad's appearance startled the attorney. Then he recognized the boy as Mickie Masters, a grinning, freckled-faced young hellion. Sometime the *Great Falls Standard* got in on the train, sometimes it didn't.

"The *Standard*, Mickie?"

"Nope, our own paper. Jus' come off'n the press, Mr Smith. That old fella, kinda crazy, he's printin' it. Want one?"

Smith assured him he did, and gave him a dime, saying that he wanted no change. His leisurely gait gone, he hurried toward his office, where he lit the lamp and sat down after pulling down his shades. The headlines hit his eyes first.

BATES CLAIMS WEBSTER MURDERED BY MACK FROST

Smith read the subhead slowly, rereading it. It concerned one John Smith, attorney for Mack Frost, and it told the country that Smith was a former Wyoming shyster, driven from practice in that state by the combined efforts of the legal profession.

Smith read no further for some moments. He sat silent, looking at the desk.

Ten minutes later, he read the entire story. The printing was crude with many errors, and it looked as though it had not been proofread. But dynamite and danger were packed in its ems.

And he knew that his day here had ended. He went to his safe and opened it. He had a small box in there. He opened its tin lid and looked at the bills inside. Mack Frost had paid him well.

He returned to his desk. He took out pencil and paper and started to write. His fingers moved slowly at first, suffering frequent pauses, and then the words gathered momentum, flowed easier.

Dear Norma

My work here is almost done. The big company I represent in a legal capacity is reaching the end of its work. Soon I shall move on. Perhaps I shall go to Denver with you and build up a practice there.

The letter finished, he reread it. Then, putting it into an envelope, he put the address on the outside. He did not seal it. He put it in the safe and twirled the dial. He turned

the lamp low and carried it into the next room, his quarters.

He sat on the bed and pulled off his boots.

CHAPTER XII

JUDGE BATES studied the document John Smith had filed with Judge Williams. Then he lifted a slow gaze to the jurist. "And this document, then, is legal in the great state of Monana, sir?"

Judge Williams nodded. "It has been upheld on its legality by the state supreme court, sir. The measure seems rather stern, of course, and has been employed only once or twice before, I believe."

Judge Bates tapped the paper with his stubby forefinger. "An unjust law, if I may venture an opinion, Your Honor. Probably put through the legislature by some unscrupulous politician to mask either his own greed or that of a contemporary. How the state gets the right to usurp a federal statute is a matter of great conjecture."

Judge Isaih Williams nodded.

Judge Bates studied the paper carefully, looking for some legal weakness, but he found none for the wording was concise and to the point. John Smith might be a shyster, but he was a competent one. His fellow jurist started questioning him about the death of Bart Webster and the case against Jed Lipp.

The jurist assured Judge Williams that, according to his opinion, either one of his rifle balls, or one of the Lipp men's rifles, had downed Bart Webster, and that Frost had buried the man on Jed's homestead, intending to charge Jed with the gunman's murder. Judge Williams stroked his thin chin and studied the carpet for some time before he said, "But all that is conjecture, Bates. You have not an iota of concrete proof to substantiate your statements, sir."

The judge admitted that such was the case. He also informed Judge Williams the Lawyer John Smith

had been barred from Wyoming legal ranks and had served time in the Wyoming state penitentiary. At this knowledge, Judge Williams' brow rose, climbing still higher when the jurist informed him that Smith, because of his criminal record, needs be practicing law without a license.

"I shall look into that," assured Judge Williams, escorting Bates to the door. "Indeed I shall, Your Honor."

The door closed and the judge picked up his jug, for he had left the vessel outside, knowing Judge Williams' hatred for drink. He took a snort and growled in his whiskey, his anger strong on him. Nimble of mind always, now his brain was aided by an additional slug of liquor—there needs must be a way out of this, some legal action whereby he could maintain control of Jed Lipp's homestead.

He was dead certain of one thing: Mack Frost was a worthy, brainy opponent, one who resorted to brain instead of brute muscle. This thought brought a smile to him, for he liked keen opposition. But at this particular point, his enemies had him outwitted and outguessed, much as he disliked to admit such a thing.

He saw a light in Greenback Fox's office and he knocked on the door, announcing his identity in a low voice. Greenback slid the bolt and ushered him in, eyes showing pleasure at the sight of the jug, which the jurist set on the chair and from which the printer poured a mug.

While Greenback drank, the jurist read the newly-printed paper. He reminded the printer that many of the items printed here could bring him up for libel, but the short man snorted into the cup. After finishing his drink, he assured the judge that, if he were ever arrested for libel, it would have happened years before, and, if he had been arrested and convicted, there would have been enough charges against him to keep him in jail for the rest of his natural life. So saying, he finished another drink from the jug.

Judge Bates went to the window and peered out, but there was no

light at John Smith's office. He asked Greenback if he intended sleeping in the print-shop, and the older reminded him that Jim Lipp had been burned while asleep in his shop, and therefore he was sleeping some other place. The jurist offered to get him a room at the hotel but Greenback said he was sleeping in the back shed, close to his rifle, and if anybody came prowling around his office—

THE newsboy came in, almost all his papers sold despite the lateness, and while he and Greenback sorted out nickels, Judge Bates went to work with his pen, drawing up a legal notice similar to that John Smith had presented to Judge Isiah Williams. This done, he blotted it carefully, then spoke to the boy, asking him who was recorder of the county.

"Recorder? What's he do?"

The judge glanced at the clock. The hour was getting close to midnight. He went out on the street, the document folded in his pocket. Greenback Fox followed him out, saying he wanted a little fresh air before turning in, and the jurist asked him if he had ever used his homestead rights. Greenback assured him he had never used them, and he would never use them, for to him farming spelled only one word, and that word was: *Work*.

"You'll use them soon," said the jurist. "By the way, what is your legal first name, sir?"

"You mean—Greenback, of course."

"That name, sir, was dubbed you by a prosecuting attorney, nicknaming you that because of your love of currency. Surely you have another given name."

"I won't tell it to you!"

"Surely you are not ashamed of it?"

Greenback spat. "I'm ashamed of it."

The judge pressed his point, and after some argument Greenback surrendered. His given name, he said, was Edgar. The judge assured him that this was a fine name, pointing out that fact that Edgar Allan Poe

also bore that name, and Greenback spat again, allowing that Poe was a better writer than he was, before returning to his workshop. "But I still don't know why you want to know my given name, judge?"

"You shall find out tomorrow."

The town was dark as the judge went down the street. He remembered that Sheriff Matt Jorgenson slept in the jail behind the courthouse. He pounded on the thick door and got no reply. He went to a window and shook the bars until the grill inside rattled against the window pane.

"Hey, sheriff," a voice inside called. "Somebody's tryin' as how to bust into the jail. Hey, Sheriff!"

Judge Bates heard Jorgenson's heavy voice. "Somebody tryin' to bust outa jail, huh? Which cell, Smoky?"

"Nobody's tryin' to bust out, you lughaid. Somebody's tryin' to break in. There he goes again, sheriff."

"Don't call me a lughead," growled Jorgenson. "You talk that way to me an' I'll see that sixty more days—Say, who t'hell is out there, anyway? An' whatda you want?"

Judge Bates called out his name. The coldness melted from the lawman's voice and a light went on. The door opened, outlining the bony man who wore red underwear, the knees baggy. The sheriff invited Bates in and then he sat down, looking decidedly anything but the model lawman. "If'n you hadn't been a judge, I'd uh never let you in, Bates."

"Who's the county recorder?"

"I am, I reckon."

The judge had to smile. "Don't you know . . . for sure?"

"Well, the duties of recorder go with my elected office. But seein' I ain't no hand with a pen—my knuckles are stiff with work, your honor—the county lets my deputy-recorder, gent name of Alec Maloney—"

"When does he come to work?"

"At eight in the mornin'. Why ask?"

"I have a document here to file, sheriff. It is imperative that it gets recorded immediately. Where is your recorder office?"

"Over in the court-house. I'll slip into my pants an' get my keys."

JUDGE BATES went outside, where Sheriff Jorgenson soon joined him. They went across the strip and the sheriff unlocked the back door of the courthouse. Carrying a kerosene lamp, they went down the corridor, shadows dancing on all sides of them, and they came to the recorder's cubicle with its volumes neatly racked according to contents.

"I can't file that tonight, Bates. I can't write out a transcription. Ain't they no other way we can make it legal?"

"Under Wyoming law, you could just make a notation on the copy, stating time of submission and filing number. Then it would supersede any other filing of similar or like nature. Is that process legal in Montana?"

Jorgenson rubbed his whiskery chin and gave himself over to deep thought. He recollected then that his deputy had used a similar procedure now and then when filing on gold claims and this had been in order. He scrawled a notation on the homestead entry, stating the time it was submitted, and then he put the document in the proper place in a bound volume of filings, so the deputy would be sure to find it upon coming to his office.

They went outside where they parted, each going toward his bed. Tobacco was snoring in the room but the judge, used to the raucous noise, paid him no heed. He sat on the edge of his bed, a boot in hand, and ran across the night and its doings, but he could find no error in his procedure. And so, unburdened by a troubled mind, sleep came quickly.

When morning came, he was in a jovial mood. He and his lanky partner took breakfast at the Cafe and then went to Jim Lipp's freight office. Work was progressing nicely out at the spot dynamited the night before; in fact, it was progressing ahead of schedule. The judge found savor in this. Leaving Tobacco there, he went to the recorder's office.

The assistant, a small man, nodded

and asked, "Something, sir?"

The jurist told him about the document he and the sheriff had left in the volume. The man took the volume from the rack and found no document in it. He had that morning transcribed a legal document into the recordings, he said, and he showed it to the judge, who colored with anger as he read it, for it was the document John Smith had handed to Judge Isaih Williams.

The clerk said that Judge Williams had handed it to him, and he had transcribed it. Again, the judge asked about his document; the clerk assured him he had not seen it. Either he was a good liar or was innocent of tirkery. But the joviality went out of Judge Lemanuel Bates. For now Mack Frost owned Jed Lipp's homestead.

Somewhere there had been some double-crossing. Had Sheriff Jorgenson hung the double-sign on him or had Judge Isaih Williams? No. Judge Williams was honest; so, he thought, was the sheriff. Then the clerk had destroyed the document and in turn transcribed that of Mack Frost's?

Judge Bates knew he could not prove that.

Anger rolling inside of him, muddy and strong as a river current, he hurried down the street, entering the office of Attorney John Smith without knocking. Smith was not there. The desk-drawers, empty, were open; he crossed to the stove, it was still warm. Inside he saw the remains of paper, burned paper. Smith's clothing were gone, and Judge Bates went outside.

"See Smith any place?" he asked the newsboy.

"He just left on the stage," said kid. "Not more'n ten minutes ago, I guess."

Judge Bates stood silent, heavy feet anchored. So Smith had played one final, crushing ace, and then pulled out, huh?

CHAPTER XIII

MACK FROST was down to the recorder's office five minutes behind Judge Bates. Clean-shaven, his jowls blue from the razor, he was dressed immaculately, the creased pant-legs placed properly in the tops of the Justin halfboots. With great care he read the document and winked at the clerk, who winked back. With their secret secure between them, Frost laid a twenty dollar gold piece on the desk and sauntered out, happy in his future.

This pleasant task completed, he went down the street, seemingly a happy, contented man. Dab Watson fell into step beside him and asked, "Where you headin' for, boss?"

"To see John Smith."

"You won't see him again," said Watson. "He done flewed the coop, he did. Clumb on the stage an' rocked outa town a few minutes ago. Talked with him before he left. Said he was goin' to Miles City for a day or two. But I sure don't know why he packed all that baggage, if he was going just to Miles."

Frost had stopped. "You're stuffin' me, huh?"

"Nah, I'm not. Go to his office an look yourself. Heck, Bates is just comin' from there."

They watched the jurist cross the street to Jim Lipp's freight-office. "That document is on file," said Frost. "The clerk told me that Bates got the sheriff up and gave him a document like ours, but the clerk said that Smith had been over this mornin' an' tore up Bates' document, so we own the Jed Lipp homestead, I reckon. Nice work, I'd say."

"We'll miss Smith," said Watson.

Frost considered that. Then, "We got things our way, Watson. Maybe we won't need any more legal advice from now on. We own Jed's homestead; we worked that slick. Now all we got to do so is move out there and hold down our rights."

"You goin' live out there?"

"Sure. There's a nice shack on the place."

Watson grinned. "Got room for me."

Frost assured him there would be room. An hour later, he and Watson rode out, Frost sitting a big black and Watson filling the saddle on a fast-stepping sorrel. Bates and Jones sat on the bench in front of the freight-station and the two lifted their hands to the pair, and Bates returned the gesture. But Tobacco Jones, if he saw the pair, gave no hint of it.

"Jones don't cotton to us," murmured Watson.

"Do you blame him? He goes to bed with him an' Bates ownin' Jud's homestead; when they wake, up, I own it. Sure, Bates waved to us, but don't underestimate that fat son. Well, let's step along."

They loped across the hills, heading for Frost's dirt-camp. The sun was turning the grass from green to a dark brown, putting strength and fortitude in it for the cattle grazing on it. Frost had the end of his lasso out and was using it as a whip, flicking it out and hitting wild flowers, breaking them off and dropping them into the grass. A coyote loped over the rim of the hills and went out of sight, and Watson stuck his Winchester .25-35 rifle back into its scabbard.

Frost rode lightly in leather. This had worked out all right; now he would beat Jim Lipp to the mines. Jed Lipp's homestead had been the deciding issue, and now he owned it.

He knew that Judge Lemanuel Bates was not beaten, and he realized the judge had not quit fighting. The experiences of the past few days had convinced him that the jurist had a bulldog's tenacity, and he had fastened his teeth into this and he'd fight to the finish. He found himself wishing that John Smith had stayed.

"Let's ride over to Lipp's camp," said Watson.

ACCORDINGLY they swung their brones, pointing them toward Lipp's dirt-camp. And Frost found himself thinking of Jim Lipp.

The doctor had told him at breakfast that the man would be up in a few days, three at the most. Frost dallied with that, wondering if it held any menace toward him; he decided there was no personal danger there. And his thoughts swung automatically to Jed Lipp. Bates might get Jed out on bail, but what difference did that make? This whole thing—the whole shebang—had worked just right for him, and now he had what he had long wanted—Jed Lipp's homestead, and he had it legally.

In three days, this would be settled . . . for good. By that time, his crew would be on Jed Lipp's homestead, laying narrow-gauge steel. And once across the hundred-and-sixty acres—

They were in the buckbrush and a guard came out, rifle up and on them. They pulled in and sat saddle, watching the man. Frost told him they came on a friendly visit and the man said the camp was empty. From where they were, Frost could see the end of the grade, and he knew that he had Jim Lipp now, that the road to the mine was his. For the delay caused by his dynamite had pulled every team and every man save the guards away from this camp.

"Wonder how that grade come to slide?" muttered Watson.

"I wonder." The guard was cynical.

Frost said, "We'll swing around the camp," and they rode on. Out of hearing of the guard, he growled, "Keep your big mouth shut, Watson. That editorial that the paper carried last night has got too many people thinking about the same thing, and there's no use carryin' it too far."

"What'll we do with that Green-back gent?"

Frost rubbed his nose. "I don't know for sure," he said slowly. "But we got to get rid of him. Too bad we never got a chance to sledge-hammer that press, bustin' it to hell—but we never got to, seein' the fire brought people so quick."

"We gotta get shut of him."

They had reached the freight-road now, and they singlefooted their horses along it, the saddlers sweating under the sun and the climb. From this high point they could see

both dirt camps: that of Jim Lipp lying idle and without dust rising from it, the one of Frost's busy with dust high in the still air. This sight brought a quickness to Mack Frost's blood.

"Looks good," said Watson.

They rode on, letting their horses climb of their own pace. Some minutes later, another guard challenged them; this was a Lipp man, sent back to guard the workers who were rebuilding the dynamited section of road.

"Ridin' through to the mines," said Frost.

The guard gestured with his rifle. "Go ahead, men." They rode on and behind them the guard hollered, "Two men comin' through, Cross. Frost an' his monkey-faced man, Watson."

Watson colored, snapped, "I'm goin' back an' trim—"

"Forget it," ordered Frost.

Watson looked at his boss, marking his stern lines. He wasn't anxious to go back, anyway; he had seen the guard in a fist-fight once, down in town. The fellow could handle his dukes...and he could handle his gun, too. Watson said, "All right, you're the boss, Mack."

They rounded a rocky bend and the teams were right ahead. Frost noticed quickly that the fill was going in faster than he had expected. His dynamite had shoved a heap of rock and dirt down into the canyon, though.

Dirt-boss Jack Cross glared at them. "Where's your black powder?" he asked sarcastically.

Frost played ignorant. "Black powder? Down at the camp, I reckon. Your teams are going along nice, Cross."

"No thanks to you," growled Cross.

Suddenly a man came out of the mess sack, gun in hand. Frost recognized him as Spike, the man who had by a miracle escaped death during the dynamiting when his wagon and six-horse team had been smashed by the powder. And a thin fear ran across the owner of the Rainbow.

But already Jack Cross had his arms around the youth, pinning his

gun down. Spike was cursing, swearing he would kill Mack Frost, and the saloonman sat with a slow, cold silence. Another man came in to help Cross and the big man carried the muleskinner into a tent, leaving Cross standing there holding Spike's gun.

Frost said, "Thanks, Cross."

"I should have let him kill you," Cross said.

Watson spoke, "He'd have had to kill me first."

Cross looked up at the killer's naked .45. Frost saw, for the first time, that Watson had pulled, and the man's tone was bitter as he ordered his gunman to put his weapon away. Watson glanced hard at him, then scabbarded his Colt. Cross put Spike's gun under his own belt.

"You'd better ride on," Cross said. "We don't want no trouble here, but if you start some, we can finish it."

FROST NODDED with a slow detachment. He had come to see how the work was getting along, and now he had seen it and he was ready to go. He had learned one dangerous thing: Spike was out to kill him, and from now he would be suspicious of the man whenever he saw him. That lesson, he decided, might well save his life; therefore, this ride had paid off well. He said goodbye to Cross, who mumbled something in return, and then he swung his horse around, with Watson behind him. They rode across the new fill and both knew there was no present danger in them.

"They don't like us," Watson said.

Frost had only a lift of his should for that. They did not ride fast, for the day was becoming hot, and Frost had many thoughts. Tomorrow the Lipp crew would be back on its right-of-way. Well, his dynamite had done its mission. It had delayed the Lipp men for a few days and now, with him controlling Jed's homestead, the race to the mines was his.

"Look below," Watson called.

They drew in on the lip of the cliff. Below them lay the tumbling, running mountains that fled down into the foothills, marked by bullberry bushes, buckbrush, and pine and

spruce. The scene was wild and lonesome and would remain forever untouched by man. But it was not the scenery that Watson called attention to.

Watson's finger pointed out the two dirt camps. Lipp's was idle, of course; Frost's, though, was busy. Dust hung in a cloud over it, masking it in secrecy. But in two days, the wagons would be at Jed Lipp's fence-line.

"We'll tear that fence down this afternoon," Frost said.

Watson asked, "Ain't they a law that says a man has to live on his homestead, Mack? Something about that he has to spend six months straight on it, right after filing, and he has to have so much money invested in buildin's?"

Frost assured him that he was correct. And he also stated that he and Watson themselves would hold down the homestead. They would go to the dirt-camp, get noon chuck, rest a little, then ride to Jed's homestead. And then Frost turned his horse down a steep trail that led down on Nameless Creek.

The trail was steep and the horse went slowly, steel-shod hoofs braced. And Frost untroubled now, let him have his way, refusing to give way to haste. Behind him came Watson, braced against his fork, his horse ten feet behind Frost's.

"Must've been a mountain goat that made this trail," Watson growled. "A man fall off'n this an' he'd fall into the next county, like as not Sheepherder rin sheep here an' he'd have to dig holes outa the side-hills for his dog to set to bark at the coyoties."

Frost smiled, but had no answer to his hireling's crude humor. Watson, noticing this, fell silent, too.

They came to their camp, replied to the guard. Frost sat his stirrups and looked at the teams and the camp, satisfied inside although his features wore their habitual scowl.

"Goin' hit that homestead fence directly," said the dirt-boss.

Frost assured him that he, not Jed Lipp, controlled that strip of land, and the boss smiled and winked,

shooting out a stream of brown tobacco. He allowed that Frost knew how to work it right and then went in to see how the cook was coming along. Frost and Watson turned horses over to the roustabout, and also went into the cook's domain.

"Set an' eat, boss?"

The food tasted exceptionally good to Frost. In fact, he even praised the cook for his cooking, making a mental note to add ten bucks onto the man's monthly check. Then his teeth found too much baking-powder in a biscuit and the taste was acrid. He decided the cook was getting a big enough wage, and decided to forget that ten dollars, leaving it in his pocket.

Both men ate slowly, enjoying the food and their thoughts. After eating, they went outside in the shade, where Watson lay full-length on the soft earth, pulling his hat down over his face to completely shade his eyes. Frost hunkered and talked with the dirt-boss, chewing on a toothpick, and soon Watson was snoring a little.

Men were coming in for the noon meal. Tug chains were rattling and skimmers were washing at the tank, blowing water over their dusty chests before heading for the table. Horses and mules were munching their noon oats and hay.

Frost and the boss kept on talking. The men came out again, fed and ready for the hardest half of the day, and tugs were fastened to single-trees again, and the curse of a mule-skinner blistered the thin air.

Watson came awake. He sat up. "Damn that skinner," he said. "He woke me up. When do we ride for the homestead, boss?"

"In an hour or two."

CHAPTER XIV

TOBACCO Jones watched Mack Frost and Dab Watson ride out of Stirrup City. "Now where them buckos goin', Bates?"

"Darned if I'd know, pard. Me, I'm no mind-reader." Judge Bates

stretched lazily and Tobacco eyed him with a sudden interest.

"You don't seem worried about this homestead deal," said the postmaster. "Me, I reckon they got us two backed to the wall, I'd say."

"I've been thinking."

Tobacco let it go at that. When the judge started thinking, usually something happened; many times, that thinking resulted in rough action. Tobacco found himself doing a little thinking. He wondered how this would end. What card would Judge Bates play next? So far, Mack Frost had out-trumped him on every pot, and he knew that the jurist was hopping mad inside, although his heavy jowls were bland and seemingly undisturbed.

With Tobacco grumbling, they went up the street. Judge Bates met Judge Isaih Williams and informed His Honor that Mack Frost's recording had beaten his into the official records, at which His Honor's high forehead showed surprise. Then His Honor went into deep mental contemplation.

"There is seemingly no way out for you, sir," Judge Williams finally said. "I can see no legal recourse—"

The Judge tapped his double-barreled shotgun. Judge Williams was quick to note the significance of his thick fingers drumming on the ribbed sight. "Do not resort to rough-and-tumble tactics, Bates. I beg that of you."

Judge Bates was grinning. "But what if Mack Frost tangles with us first; we can defend ourselves."

"That puts a different light on the matter."

The partners went to the jail to see Jed Lipp, who limped to the bars and clutched them, looking like a scrawny ape dressed in clothes. "You gettin' me out, men?"

The judge shook his head solemnly. Jed's bottom lip quivered. "I gotta get outa here, men. I gotta get out to my homestead. That Frost son'll try to run grade across my property an' I gotta be there to greet him with a shotgun."

"But you're not getting freedom?"

"Can't you get bail for me? When

they got my preliminary trail scheduled for? What does Smith say? He's county attorney, ain't he?"

"Smith has left the country."

"You mean—" Jed Lipp stared at them. "Smith has pulled stakes, huh? Then who is goin' to prosecute me? Bates, you're a legal man; get me outa here. I gotta get a gun an' get Mack Frost."

"That's just why you're not getting out, Jed. We don't want you killed, you old rascal. Frost would fill you so full of lead that when they embalmed you, it'd take a dozen corks to fill the holes in you so the embalming-fluid couldn't run out."

"Bates, don't double-deal me!"

"We're not," Tobacco said. "We're savin' your life."

They left, with Jed blistering the air behind them. Sheriff Jorgenson, who had just entered his office, met them with a faint scowl and said he didn't see how Mack Frost's filing got in the record when the judge's was dated first. Judge Bates said there was no question about how that came about: the clerk was undoubtedly responsible for that.

"I'll can him pronto," said Jorgenson.

But Judge Lemanuel Bates lifted a thick Hand in protest. "Don't do it, sir. Let him remain in his office, and I'll get him later. Promise me you will seemingly forget this matter—while in the clerk's presence, at least?"

Jorgenson solemnly promised and sat down, putting his feet in another chair. He took some want-placards from his desk and started studying them intently. The judge and Tobacco went outside.

"That sher'ff ain't doin' nothin' but stallin'," Tobacco stated bluntly. "Bet you five bucks to a ruptured doughnut that already he's dozin', his head on his chest." The postmaster snorted. "Hell of a public servant, that gent."

"I've seen you sleep while on duty. You're a public servant."

TOBACCO MULLED over that statement, mentally pulling it apart. Finally he came up with the

only defense he knew. "But a post-office is different, Bates. Once a man gets his work caught up, there ain't nothin' else for him to do, 'cept mebbe peddle a money-order now and then."

The judge was thinking, and many times he covered up his mental labors by poking jests at his lanky companion. "But it still isn't right," he maintained. "The public is paying you money and deserves just return for its invested sums."

But Tobacco Jones refused to rise for the fly. "Forgit it, Bates. Here's the hotel. Let's drop in here an' see Jim."

Jim Lipp was sitting up in a chair. While the partners were there, the medico came in and gave them a lengthy report on the sick man's recovery. Greenback Fox also came in and the judge introduced the old printer to Lipp. The two immediately started a discussion about type-faces and journalism, and the jurist and postmaster tactfully withdrew.

They went to their room, where the judge started packing their pack-sacks and tossing his duds into his warbag. Tobacco chewed and asked what the jurist was doing: was he leaving Stirrup City? Judge Bates allowed that he was leaving, or else why would he be packing?

Tobacco, knowing well his fat friend, asked no further questions, for the judge was a man who liked to dwell in mystery, making Tobacco guess out each action. Many times this angered the postmaster, for he was a blunt man without deception. So Tobacco packed and, some ten minutes later, the partners went down the stairs, carrying their packs, and checked out of the Antlers.

"Town gettin' too hot for you, huh?" asked the clerk.

The open sarcasm in the man's oily voice drove anger through Tobacco but, if the cynicism irked the jurist, surely his heavy face did not show it. He assured the man in unctious tones that perhaps things would get hotter in Stirrup City, and impressed him with the fact he was not referring to a fire or the weather. This off his chest, he stomped to the

town livery, with Tobacco grumbling through his chew.

"O'nery bunch in this burg, Bates." "Never be cautious of an ornery man," Judge Bates advised. "Usually an ornery man is ignorant, and that is the reason for his set attitude toward life. An intelligent man has a flexible mind that adapts itself to a given situation."

Tobacco spat. "Now interpret that into plain cow-country talk, huh?"

But the jurist had no further explanation. The pack-saddle adjusted on the unwilling mule's back, he looped on the packs while Tobacco saddled their broncs. The few days of rest and full mangers of good hay had put the energy back into the cayuses, and even the mule showed a little interest in the trail.

"Pullin' out, heh?" the hostler cackled.

Tobacco glared at him sharply.

"What's that, fella?"

"Gettin' too hot for ye, heh, an' you're skippin'?"

Tobacco's right fist suddenly made a sharp loop that ended on the man's jaw. The fellow went backwards, arms flying as he grabbed thin air for support and found none. He sat down on some fresh horse droppings and rubbed his jaw in wonder, his eyes still dazed.

"Get up!" snapped Tobacco.

I ain't gettin' up!"

Judge Bates grabbed his partner. "Get on your horse, Tobacco. Don't let your temper run away with you."

Tobacco grinned suddenly and spat. He climbed into saddle, took the mule's hackamore rope and rode out the big back door, the jurist following on his bronc. The hostler watched them go, still sitting down; when they were out of the door, he got to his feet and limped to his bench, figuring that henceforth he would learn to keep his mouth clamped shut.

THE TWO RODE for some distance in silence. Finally Tobacco glanced at the jurist, who was grinning widely.

"Okay, Bates, start. You're worse'n an ol' naggin' woman. What did I do that was wrong?"

"One thing. You should've hit him with a left fist, not a right. Your jaw was wide open when you swung. Had he been a fast man, he'd laid a hard one on your chin."

"But he weren't fast, Bates."

The judge took the lead, pointing his horse's ears toward the Frost dirt-camp in Snow Pass. Tobacco wondered why they were riding that direction, but did not press the point against the jurist. When the time came, then Bates would inform him what motivated this action.

Tobacco noticed that the judge followed old trails, some almost choked with brush and ferns. The sharp scent of wild mint was keen in his nostrils. Evidently the judge did not want anybody to see them leave Stirrup City and, apparently, he had gained that objective, Tobacco decided. The low branches of a pine snapped back and hit him across the bridge of his nose.

"Be careful, Bates."

Again the jurist had no answer. They came to a park along Nameless Creek and the postmaster put his bronc up to that of the judge. They crossed this, the grass quiet under their horses' hoofs, and took a trail that led around Frost's dirt-camp, and from this height they saw the camp below.

"Those horses, I believe, are the animals on which Frost and Watson rode out of Stirrup City, aren't they?"

Tobacco studied the horses below him and nodded. Again the judge took to the trail, and now Tobacco knew they would go to Jed Lipp's homestead. But he said not a word, waiting for the judge to break the silence. They came to Jed's gate and Tobacco went down and opened it, shutting it again behind them. Then he found his stirrup again.

They rode openly toward the log house that stood in the clearing, the well beyond it with its windlass and rope and bucket. Chickens were scratching in front of the door and along the fringes of the thick buckbrush.

"Might be somebody aroun'," Tobac-

co reminded. "An' they might have a rifle on us, Bates."

But the judge reminded him that the chickens, now running way from them, had not been excited and had a man been in the cabin, they would not have been so close to the door. And furthermore, had a man made a run for the brush upon seeing them coming, no chickens would have clucked in the dust over yonder. Tobacco Jones found himself wondering why he didn't think of such things.

They went down and the jurist started stripping the pack mule, who now stood patiently while he gazed. He handed the packs to Tobacco, who carried them inside the cabin. The screen door was torn and some chickens had got inside; now they came out with a great clatter, one flying into the postmaster's chest and sliding off, feathers sliding across the air. Tobacco breasted the storm and disappeared inside.

The judge took the two saddle horses and the mule down along Nameless Creek, where he picketed them, tying their ropes to trees and keeping them far apart so they would not entangle their picket-ropes. When he came back to the cabin, Tobacco was sweeping the floor diligently.

"Can't get it clean by sweeping it," the jurist said. "We'll have to scrub it, partner."

Tobacco leaned on the broom-handle, jaw working. "By the by, Bates, what're we doin' here, anyway? This property is the homestead of Mack Frost or Dab Watson, one of the two. We ain't got no legal right—"

"Whoa up," the jurist warned. Not so fast with such statements. There's gold back in yonder creek, you know."

Tobacco didn't see where the gold fitted into this, if there were any, which he doubted. He asked, "How do you know there is gold, judge?"

The jurist dug into a pocket of his expanded vest and came out with a gold nugget the size of a pea. "See that nugget, sir. That came from yon-

der creek. I found it while picketing the animals."

TOBACCO rolled the nugget between forefinger and thumb. "That never come from Nameless Creek, Bates. That's the nugget you used to pack on your watch-chain 'longside of your elk's tooth. Then when your belly got too big the watch-chain got too short, so you quit wearin' it. What's behin' this, anyway?"

The judge was smiling warmly. "This morning I filed three gold-mining claims on this section of Nameless Creek, sir. While you were dallying over your breakfast, I had these claims filed in the recorder's office. In fact, I have copies of the filings in my pocket."

"Yeah, but what—?"

"Let me finish my sentences, my friend. These three claims cover the entire breadth of Nameless, from cliff to cliff—in fact, part ways up each cliff. We shall block Frost from going through here."

"How can we? He's got homestead rights."

That is simple, Tobacco. While Frost has homestead rights, he does not own mineral rights. That means that, legally, he cannot move a stone, upturn a rock, on this property while our claims are intact and in power."

"How long is that?"

"Under the gold-mining laws of the great state of Montana, our claims are good for six weeks; if we work the ground, they are good for three years. But we won't work it, sir."

Tobacco was grinning like a chessy cat. "Bates, you sure cooked up one, and it smells good, too. So you are sure you have Frost tied up, huh?"

"I am. Even Judge Williams agrees to that."

"Six weeks is long enough," said Tobacco. His eyes lighted suddenly. But say, I've used my homestead rights, I reckon."

Judge Bates assured him that he had not used his gold-mining rights. Tobacco's grin went wider. The partners staked out their claims, staking one out for Greenback Fox, too. And

the jurist was right: the three claims, staked end to end, blocked the gully at this point.

"We have to have markers staked out, according to the law," the judge stated. "In other words, we have to make this claim legal, Tobacco."

"We'll do that, Bates."

Their monuments completed, the partners returned to the cabin. Tobacco looked at Nameless Creek and said, "I might unlimber my line and try my luck, Bates." But Judge Bates lifted a heavy forefinger.

"Do not do that, friend. I have a hunch that Frost and Watson will head this way, soon. We had best stay together and stay close to the cabin. Jed told me where his still was located back in the brush. My jug needs refilling, I believe."

"That jug's always empty."

CHAPTER XV

FROST GOT to his feet. "Well, we might just as well travel," he told Dab Watson. "If we're going to be homesteaders, we better look over our new homestead, huh?"

"Two sodbusters," grunted Watson.

They got their broncs and rode up Nameless Creek. The sun was warm, too warm; they set a lazy pace. Nameless gurgled and eddied over the rocks and here and there a dam, made by the beavers, broke the width of the creek, holding a pool of water behind the conglomeration of sticks, mud and logs.

Watson said, "Mebbe we oughta irrigate our homestead, huh," and Frost smiled at that. They rode through the wild rosebushes. Service berries were ripe and chokecherries were losing their greenness, the sun starting to work on them and ripen them. A black bear with her cub ambled across a clearing, saw them suddenly and stood up, the cub beside his mother. But the two rode around the pair, and continued on their way, with Watson lashing his horse, who was afraid

of the bears who now stood watching them leave.

"Damn' stupid horse," Watson growled.

Frost had pulled in. "Survey stakes to this point," he said. "Then they stop at the fence. I forgot to tell the surveyors to tear the fence down and survey across the homestead. Have to remind them of that, next time I see the dirt-boss. Well, here's the gate, Watson."

Watson got down and opened the wire gate, looping the wire back around the post as he shut it. "Marks of three cayuses back yonder, boss."

Frost said, "Probably some of Jed's broncs; he has a few of them loose around here, I understand." Watson let it go at that and they rode along the wagon-road, and came to the cabin in the clearing. They rode up to the cabin and dismounted, and Watson stood outside, looking around at the hen-house and barn and well, while Mack Frost went inside.

Suddenly Frost said, "Hey, Watson! Come on the run! Look here!"

The urgency in Mack Frost's voice pulled his hireling inside on a run. There on the floor were two saddlebags, strapped and unopened. Watson stared and then looked at Frost.

"What's the use of gettin' excited over them pack bags?" he demanded. "Hades, they prob'ly belong to ol' Jed, don't they?"

"Jed's hell! Those bags belong to Bates and Jones. Remember them, down at the livery-barn?"

Watson stared, bending closer. "By jeepers, they do belong to them two! Them's the same packs—Hey, what they doin' here? I never seen Bates an' Jones ride past your dirt camp—"

Frost was going outside, but he halted in the door, bent a little at the belt. The reason he had stooped suddenly was because, as he rounded the corner, he had run into the end of Judge Lemanuel Bates' sawed-off shotgun. The bore of the heavy weapon almost knocked the wind out of Mack Frost, who stopped suddenly and stared.

Watson spoke first. "What are you doin' here, Bates?"

"Holding down my property, sir."

Frost stepped back, calm now. "Your property? How do you get that way, Judge? This property is on file in the country-recorder's office under my name. Where do you get this wild story?"

WATSON was looking past the judge. Yonder, in the clearing, stood Tobacco Jones, holding his horse and that of Mack Frost. Tobacco also had his shotgun. Then Judge Bates' words pulled Watson's attention back to the matter at hand.

"You filed on homestead rights, Frost. I went further: I filed on mineral rights, and my claim will supersede yours, sir. There's gold in Nameless Creek and—"

Frost growled, "There's no gold there!"

Judge Bates took the nugget out of his vest pocket and handed it to the Rainbow boss, who examined it and handed it to Watson, who stared at it before returning it to Frost.

"This nugget never come out of Nameless," said Frost. "This has been used as a watch charm or something, 'cause there's a hole in it—clear through it, in fact—where a wire has been attached to it."

"You're wrong there," corrected the judge.

"I've seen nuggets—"

"You're no geologist, Frost. Until you can prove in court that this nugget didn't come from Nameless, then I shall belie you. Consult either Judge Williams or Sheriff Jorgenson, down in Stirrup City, regarding the legality of our claims."

"Our claims?"

"Yes. My own, one for my partner, and another for Greenback Fox. Together, they cover the entire gully, even going up into the cliff on each side. Now, being legal owner of this property, I'll have to ask you to leave and not to come back until our gold claims have expired."

"An' how long will that be?" Watson demanded.

"Quite some time," said the judge. "So much time, in fact, that by their date of expiration, Jim Lipp will have reached the mines with his steel. Now, again sirs, goodday."

Frost was still sort of stunned, and his face showed it. But Judge Lem-
manuel Bates was not fooled; this man
was sharp as a razor. Frost came
back with, "You got your monuments
up, Bates? I've filed on a few gold
claims myself. You have to have
monuments up."

"They are finished, Frost. Each
corner is marked by well-defined
boundaries, as the law requires.
Would you care to go along the
stream and see them?"

Tobacco hollered, "Herd 'em out
here, judge, an' let 'em get on their
broncs. Don't stan' there an' jaw
with the simpletons all the day. I'm
tired of holdin' these broncs."

Frost snapped, "No, we don't care
to see them."

The jurist stepped to one side, ges-
turing with his shotgun. "All right,
you're done here, you two. Walk to
your horses and go up, and remember
that if either of you reach for your
pistols, my shotgun shall speak."

The pair stalked to their saddlers,
Frost in the lead and Dab Watson be-
hind him. Tobacco surrendered their
reins and they found stirrups and
went up. Watson had a sudden idea:
Judge Bates was to his left, and he
could swing over on the right side—
thus his bronc would be between him
and the jurist, and he would pull his
gun and shoot under the bronc's
neck. But when he got saddle, To-
bacco Jones stood on his right side,
chewing his cud and cocking his
shotgun's double barrels. And Dab
Watson suddenly changed his mind.

"Be good," murmured the postmas-
ter. "Turn and lope out, and hit the
dust pronto."

"You'll pay—"

Frost silenced Watson with, "Shut
up, fellow," and he loped away, Wat-
son behind him. They came to the
gate and Watson started to pull up,
intending to swing down and open it.

But the boots of the gunman never
found the dust. For Tobacco's shot-
gun spat once, the beebies singing
over Frost and Watson. Their
broncs, terrified by the blast, leaped
ahead, and down went the gate. Then
Judge Bates' scattergun came in, the

leaden pellets singing wildly over-
head.

The horses ran around a neck in
the timber, putting brush between
themselves and the partners. Here
Watson swung his cayuse around, his
.45 rising in his fist as he fought his
horse. And his face was the color of
chipped agate.

"We'll hit the brush, boss, an' come
back on 'em. We'll show them scis-
sorbills they cain't do this to Dab
Watson an' Mack Frost! We'll drift
through the underbrush an' come in
on 'em unawares—"

FROST'S thin lips were pulled by
a quick smile. "Don't talk like a
plumb damn' fool, Dab! Them two
ain't no amateurs at this game—they
ain't gonna be caught asleep if we
sneak back. No siree, they'll be in
the brush themselves, and this time
they'll shoot for paydirt."

Watson reared his horse, set the
animal down. "Talkin' of paydirt,
them two ain't found no gold. That
nugget has been used as a watch
charm, I'd say. They never found
that on Nameless."

Frost was still smiling a little.
"Sure it never come from Nameless,
but how can we prove that? Bates
pulled a fast one on us, and right
when we had the bag ready to tie
up." The sudden reversal had hit the
Rainbow man hard, and he knew that,
unless there was a sudden change in
the scheme of things, he was tied up,
defeated.

"We got to get Bates and Jones,"
growled Watson.

They rode back to their dirt-camp,
loping this time and there were no
pleasantries exchanged between
them. Gone was the conviviality that
had marked their ride to the home-
stead, in its place was a grim earnest-
ness. Watson was wondering what it
was all about and Frost was thinking
ahead, trying to find a way to break
the judge and his tobacco-chewing
partner.

They did not ride into the camp.
They swung wide, skirting it, and
when they reached Stirrup City the
sweat was thick on their horses, lath-
ering around the edges of their sad-

dle-blankets and headstalls and bits. They left stirrups in front of the court-house and went inside with Frost in the lead, his quirt dangling with its loop around his wrist. The clerk was dozing at his desk, his head on his chest, and the sharp rap of the quirt's heavy handle across his knuckles brought him angrily awake.

"What do you think—"

Frost snapped, "Judge Bates and Jones made some filings in here, they claim. Gold mining claim. Where are the documents?"

"They're here." The clerk swiveled his chair around and swung a copy of Official Records around, placing it on the desk. Frost read the three filing notices, seeing that one was made to Judge Bates, one to Edgar Fox and one to Tobacco Jones. He studied the last name for some time.

"Is *Tobacco* the legal name of Jones?"

"I asked the judge about that. He said it was legal enough. In a gold-mining claim, almost any name will do, I guess; the time of filing is what counts. Looks to me like they've blocked you, Frost."

"Why didn't you tell me about this?"

"I went down the street, looking for you. But somebody said you two had ridden out of town, and I couldn't leave my office." The man was almost whining. "You don't suppose I'll get into trouble for destroying that document, the one Bates and the sheriff filed here?"

"I'll see that you don't," promised Frost.

Watson went back to his bronc and Frost went to the chambers of Judge Williams. He had a talk of some length with that worthy, even seeing Sheriff Jorgenson. He did not spend so much time in the sheriff's office, though. When he came back, Watson saw that his boss' face was touched with hard, cold lines, and he knew things had not gone well with Frost.

THEY RODE to the small barn behind the Rainbow and put their broncs inside, stripping them and watering them at the inside

trough. Frost said, "You take care of them, Dab," and he stalked into the Rainbow, entering by the back door. Watson shrugged with a great patience and hung up the saddles. He slipped off the bridles and put hack-amores on, roping them to the manger, and then he carried bluejoint hay in from the stack in the corral, filling the manger. The broncs started to eat, their noses nuzzling into the sweet hay.

Watson cleaned the dust from him, washing in the trough and wiping on a saddle-blanket. He remembered the shotguns of Judge Bates and Tobacco Jones. Those guns had spoken, and he realized then how dangerous the sawed-off ten-gauge weapons really were.

Watson was a little afraid, inside. So far, by bluster and braggadoccio, he had ruled the roost here in Stirrup City, but he had an idea now that those days were perhaps drawing to a close. John Smith had been smart; he had pulled stakes, and he had left Stirrup City.

He stood there, looking out at the cowtown. He knew where he stood in this, for Frost had told him. When the railroad went through—and if Frost put it through—he was made for life. Frost had promised him that, and Frost's promises were good. And Bates and Jones were only mortal; a bullet could kill them as easy as a bullet had killed Bart Webster.

He liked that thought.

Now he turned toward the Rainbow, his boots scuffling the dust. When he came into the office, Frost had both boots on the desk, a quart whiskey bottle beside him.

"Drink, Dab?"

"Don't care if I do."

Watson drank, wiped the neck of the bottle, put it down again. He took a chair and sat forward, looking at the floor.

Frost spoke. "There's no chance of breaking those claims, Dab. Both the sheriff and Judge Williams told me that. We cannot legally punch our steel across Jed's homestead."

"Yeah, legally."

Frost stirred, smiling a little. "You're catching the drift, Dab. But

there is a way out, you know. We can hit that homestead and hold it by force, then put our steel across it. And then, once across that land, we can put steel hell-for-leather up Nameless, and into the mines. Then let Bates and Jones take it to court."

Watson nodded.

"We'll have our steel across the strip and we'll have our freights pulling across it. We'll have won and Jim Lipp will be out of it. But it will take force to take that land and run steel across it."

"We got a good crew of dirt-movers. For a bonus, they'll fight for us, Frost."

"I've thought of that," said Frost.

CHAPTER XVI

JIM LIPP had a bottle in his room, a bottle smuggled him by Jed before Jed had made the hoosegow. He took a big shot of it and then walked out of his hotel room, a little weak but well, nonetheless. He went down the back way so that the doctor would not see him and he *borrowed* a horse tied to a hitchpost back in the alley. The stirrups were long for him and he stuck his boots into the stirrup leathers and trotted out of town.

The bottle was on his hip. He took a drink now and then. It was good to be out in the open, out where there were buckbrush and cottonwoods and boxelders. It was good to be on a horse again, too. Most men died in bed. He wanted little to do with a bed hereafter.

He headed his horse for Jed's homestead. He'd get a good meal there and then ride to his dirt-camp.

He heard riders coming toward him and he pulled off and remained hidden by high buckbrush. Judge Lemanuel Bates and Tobacco Jones loped by, evidently on their way to Stirrup City. Jim Lipp did not ride out to meet them. He decided, suddenly, that had the partners seen him, they might have been angry with him and taken him back to

town. And he did not want to go back to bed.

Accordingly he let them lope by. When they were out of sight and hearing, he continued on his way. He saw them once again from a hogback ridge. They were heading for town. He realized they had come from Jed's homestead.

The afternoon sun was hot when the partners reached Stirrup City. They had left two guards on the homestead. They reached the outskirts of town and let their lathered animals fall into a running-walk. They rode into the livery and got down, telling the man they were riding out soon.

Tobacco Jones was glancing at the horses tied in the barn. "Frost's bronc ain't here, Bates. Neither is that Watson."

"They got a barn back of the saloon," reminded the jurist.

They went down the street, the round, rotund judge in the lead, wide shoulders bobbing, his black stetson perched on the back of his heavy head, the chinstraps joined under his fat jaw by a silver-hammered ornament. A pace behind him, chewing his cud as usual, came the dour, lanky Tobacco Jones, his rumpled pants and blue shirt looking like he had slept in them for a week. They went to the court-house and to Judge Williams' chambers.

The judge told them about Frost's visit. At that, Judge Lem Bates smiled, and Tobacco, not finding a spittoon, crossed the room and spat out an open window. Then Bates settled down to the question at hand. How could he get Jed Lipp out of jail?

Judge Williams was smiling. "But I thought you wanted him in jail?"

Judge Bates considered that. The main reason he wanted Jed out was to have the man run off a batch of whiskey, but he could not tell his fellow jurist that, for by making whiskey, Jed was violating a federal statute. So he told him he wanted him out to help on the homestead.

"Gun help, Judge Bates?"

"Do you think it shall come to that, sir?"

TOBACCO crossed the room and spat out the window again. Judge Williams scowled openly, evidently displeased by the lanky man's actions. Tobacco shifted his chew and decided that if the judge were too stingy or too lazy to provide proper cuspidors, he could go to hell. Frankly, he didn't care much for the new Englishish, bony jurist.

"It could well turn to that, Bates. And that I assure you can happen. Already Sheriff Jorgenson and I have talked over our procedure if such an event occurred. Always remember that both Jim Lipp and Mack Frost have much at stake—a small fortune, at the least. Both is willing to fight for his rights."

Judge Bates seemingly gave this predicament serious and long thought. The fact of the matter was that he hoped, and prayed, that Frost and his men would try to take the Jed Lipp homestead by naked force. Then this would be settled in the only way it seemed it could be settled: by force. He had reviewed this problem from all angles and, after long consideration, had deduced that Frost would move with his men against him and Tobacco.

But he did not let Judge Williams know he was miles ahead of him in this matter. No, he would let the bony jurist think that he alone had fathered such thoughts. He assured him he had not thought of the matter in this light, and at that the bony man's sunken eyes lighted in pride; Tobacco Jones bit off a fresh chew to keep from smiling.

Cleverly, Judge Bates led the discussion back to Jed Lipp, now back in Sheriff Jorgenson's jail. His flattery anent the intelligence of Judge Williams did its work, and that worthy decided immediately to hold Jed's preliminary trial within the hour. He sent his clerk to call Sheriff Jorgenson and the jurist and Tobacco retired to the small room to be used as a court.

Judge Bates, acting as Jed's attorney, decided against using a six-man jury, saying he would throw the prisoner in on the mercy and wisdom of Judge Williams, and that worthy's

smile grew wider as he mentally appraised Judge Bates' wisdom. And so Sheriff Jorgenson brought the prisoner into the room.

Jed's hair was rumpled, standing on end, and his eyes were wild, until he saw Judges Bates and Tobacco. Then, with a loud greeting, he crossed the room, intending to shake hands violently. Judge Williams was scowling fiercely. Instead of shaking hands, Bates took the old man's paw and pulled him into the seat, telling him that court was in session and silence was necessary.

"You will bring the witnesses, sheriff?"

Jorgenson left and came back in ten minutes, Mack Frost and Dab Watson with him. The two took seats and looked hard at the judge and postmaster. Judge Williams called the court to order. Jed took the stand. He pled not guilty and stated his case.

Judge Bates listened with one ear, for he was thirsty, but he dare not drink with Judge Williams on the bench. When he went outside to his jug, the jurist's eyes followed him balefully. When he came in, Jed was just leaving the stand, and Sheriff Jorgenson called up Dab Watson, who lied beautifully if not consistently, and Watson was followed by Mack Frost, who did a better job of fabrication than did his hireling.

"What I wouldn't give to sit on that bench," mumbled Bates.

Tobacco nodded, grinning. He and his partner had talked this over before deciding to get Jed free. The main thing was to free Jed. Of course, if he could be freed completely, exonerated—So much the better.

Having heard the evidence, Judge Bates pleaded his case, and, when he had finished, Judge Williams asked where the county attorney was. Frost reminded him he had seemingly left town. Judge Williams pondered, then released Jed on ten thousand dollar bail, saying he would set his date of major trial at a latter date.

"Then I ain't free?" asked Jed.

"You are correct; you are not free. And unless somebody raises ten thousand dollars in bond, then you will go

back to your cell and wait for your trial."

Jed looked at Bates. "You got ten thousan' bucks?"

"Not on me."

Jed's long face fell.

THE JUDGE gave a personal check to Judge Williams for ten thousand and, in addition to this, signed as security their Square Butte Ranch, down in Wyoming. Judge Williams considered the security and pounded with his gavel. The security, he stated, was acceptable; the prisoner was free on bail. Droningly, he told the terms of the bail: he, the prisoner, could not leave Stirrup county, could not do this, could not do that. Jed was beaming widely.

Judge Lemanuel Bates was listening half-heartedly to Judge Williams' voice; he himself had stated similar provisions so many times he knew what the jurist's next words would be. He glanced at Mack Frost. That worthy sat without a calm face, seemingly without thoughts. And, to get down to it, Judge Bates realized that, by all rights, it made little difference to Frost whether Jed were free or in jail—when he and Tobacco Jones and Greenback Fox had taken up mining claims, they had taken the play away from Jed. Now Jed was just a pawn—a used pawn—in this game. He had lost his significance.

Judge Williams pounded the court into oblivion, arose from his bench, and went into his chambers, closing the door. Mack Frost left with Dab Watson, neither man speaking. Sheriff Jorgenson frowned, rubbed his hands together, and finally asked the judge to walk carefully and not look for trouble. And at this the heavy jurist smiled with indulgence.

"I can assure you this, sir, and I believe I can live up to my agreement. My side will make no overt overtures unless the forces of Frost drive us into action, Sheriff."

Jorgenson considered that. "Okay with me," he finally agreed, and he too left.

The partners and Jed went outside, where Jed remarked it was sure nice

to see the sun again. Had they buried Batt Webster yet? The judge glanced at Tobacco, who said they had planted the gunman yesterday, he'd heard. Just then the doctor came up.

"Have any of you seen Jim?" he asked.

The judge answered. "Ain't been down to the hotel yet, sir."

"I don't mean that," the medico hastened to explain. "Jim has walked out of his room. He's got a horse and left town, I guess. Anyway, there's a puncher down at the Rainbow, and he said he had his bronc tied behind the hotel, and the horse is gone now. We figure Jim took the horse and pulled out."

"He well enough to ride?" Jed asked.

"He must be."

"What'll we do with him if we find him?" Bates asked.

"Guess he must be well," the doctor admitted. "Otherwise he wouldn't be able to ride out like this. Just leave him be, I guess, unless he has a fever. I guess I'll just mark the case closed on my books."

The trio continued on to the livery-barn. Jed bummed a chew off Tobacco and said, "I know where Jim is, all right. He's headed for my place, men. He has a fever, yes; a fever for strong drink. Just why did you get me outa the clink, Bates? Yesterday—or was it the day before—you was plumb set on keepin' me behin' the steel, an' now you free me."

The judge shook his jug. "Almost empty, Jed."

Jed's wide grin showed where his incisors should have been. "I'll lead you to some fine whiskey, Bates. I got a fifty gallon barrel cached in the hill. The barrel is oak-charred inside an' two years ol'. Won't be a drap of fusil oil in a ton of it."

They rented a bronc for the oldster and rode down the main drag. Dab Watson and Mack Frost stood in the big window of the Rainbow and watched them ride past. Judge Bates noticed the pair standing there in the shadows.

And the jurist scowled deeply.

CHAPTER XVII

FROST said, "They're riding out to Jed's place, it looks like."

Watson looked at his scuffed boots. "What's the play?"

Frost said, "Come back into the office," and they went the length of the saloon, entering the small room. Watson took a seat and ran his boots out ahead of him and continued to study them idly. Cross-currents ripped and moved inside of him, asking for action. Yet he held them.

"There'll be a moon tonight," Frost said.

Watson allowed there would be and looked at his boss. Frost looked out the window, bottom lip pursed, and he turned suddenly. "Dab, they've got us where we have to hit them, and hit hard and fast! If we don't, the whole thing is gone. Lipp will start work on his grade tomorrow. Tomorrow morning our fresno men should be working on Jed Lipp's ground."

"But they won't be."

"Don't be too sure about that." Frost rubbed his palms slowly together. "No, don't bet too strong on that." He was weighing the thing in his mind, balancing it and checking it, looking for flaws. There were some but they were the usual dangers a gambling man, a man who took splurges, always faced. They were there and he was aware of them and that was that.

Watson also was facing them, checking them, evaluating them. Frost was right; the time was now. By tomorrow it would be too late. Watson got to his feet and walked to the door and back and sat down again.

Frost said, "Let's get our horses and ride."

Watson spoke quickly. "We could dynamite again. We could—"

But Frost shook his head. "No, Watson, no. We got to get our steel across Jed's; once across, and we move fast. It's ours, then. This dynamiting is all right, but it is too slow."

Watson spoke slowly, "I guess that's right, Mack."

They went out and went to the liv-

ery, where they got fresh broncs. They led their rented horses back to the barn behind the Rainbow and saddled them. They had rifles in saddle-boots and they loaded their cartridge belts and each had extra rifle caps in saddle-bags. They put in spurs and loped out, going toward Frost's dirt camp.

Dust stirred behind their hoofs and settled, it was that calm. Frost was savage with impatience and anger; he fought his bronc around, for the horse wanted to buck. He laid the quirt across him, the lash smashing and straightening him. Then he loped ahead, catching Watson.

Silently, they rode. They came to the high fork, and took the right turn, for the left led to the Lipp camp. Lipp men were moving down off the mountain, and Frost saw a freight wagon creeping along the edge of the peak, traveling over the newly-built fill. He saw this scene and marked it in his mind and let it go at that. It held no significance other than the fact that the Lipp men, through with restoring the road, would go now to their grading again. Their dynamiting had accomplished some good. Of course, Webster had been killed. Frost balanced the two mentally: Webster's death and the delay caused Lipp, and he decided the delay had been worth it. A man could hire another man like he hired a mule, but he could not restore lost time. That was all.

"Camp ahead," said Watson.

The guard came out and Frost said, "Get back to your post," and they rode into camp. On the ride out they had seen no sign of Judge Lem Bates or Tobacco Jones or Jed Lipp. And Jim Lipp, too, had left his sick bed. . . Watson turned in saddle and said, "Did you see that old gent back yonder?"

"Who? Where?"

"That old printer, Greenback Fox. Way up on the mountain, astraddle a mule. Back by Tanner Bend, it was. He saw us an' pulled back an' disappeared in the brush. But it looked to me like he was headin' for Jed's homestead."

Frost said, "Harmless old bird,

away from his type," and let it go at that. The afternoon was turning into evening. The cook was at work, his flunky carrying some dough in a huge pan from the creek, where he had evidently made the huge, foamy mass. Frost rode to where his teams and fresnos toiled, and his dirt-boss came up, riding a mule.

THE MAN'S thick florid face was lined with sweat and dust. "Runnin' ahead of schedule, Mack. Even the surveyors are havin' a tough time keepin' ahead of the teams, 'cause we hit some sandlot soil back yonder, and it works fast. Sometime tomorrow we clash with Jed's fence."

Frost said, "Call the men in."

The pusher dug out his heavy watch and looked at it. "'Tain't time for quittin' yet," he allowed. "Got forty some minutes yet."

"Call them in," repeated Mack Frost.

The pusher rode down one side of the grade, and Dab Watson took the other. Frost rode back to camp where he went down to hunker in the shade, waiting for his men to come into camp. The cook glanced out and saw that the teams were unhooking, and he looked at Frost and asked, "Not quittin' time yet, is it? Or is my alarm clock fast?"

"Your clock's right."

The cook was suddenly serious. "What's ahead, Mack?"

Frost's gaze was level. "Trouble," he said.

The cocinero pulled his head back. Out along the grade, a big teamster looked up at Dab Watson. "Quit, you say? Ain't time yet, is she? All right, if Mack says so." The man laid down his lines and started to unhook his tugs. "What's the wind blowin' bucko?"

"Trouble."

And so the word went up and down the line: *trouble*. The old man who carried water to the bunks and to the cook stood in the shade, long face suddenly serious. The surveyors came in and their boss asked, "What's the wind say, Mack?"

"We move in on Jed Lipp's homestead."

The man looked at his rod-man, a short, wiry fellow. "Guess that's the only way you'll get the ground. You intend to use squatter's rights, huh?"

"I do. We settle on that soil, all of us, and put up camp. Then we run our rails across. Once across there, it'll be a jump and a holler to the mines. Once across that homestead, and I'd say we were set for good."

The man hunkered and drew his finger through the loose dust. The rest of the surveyors turned and went to the wash-troughs to dash the dust off them. Their boss said, I've heard of that procedure, but never saw it used. They used it on the S. P. down in California, and when the case was taken to court, the judge decided for the railroad. Something about an old federal law, going back to the Missouri Compromise and the Squatter's Right theory."

"The main thing," repeated Frost, "is to get steel across that strip."

The surveyor got to his feet and turned and Frost's words stopped him. "You going with us tonight?"

"Bonus?"

"Yes."

"How much?"

Frost considered. "Fifty for sure, before we go. If we win, another fifty per man. A hundred in all."

The man looked at a muleskinner who rode in, sitting his off-mule and guiding the others with his reins. "All right for me, Frost," he said. "Count me in. But I can't speak for the rest of the men in my crew."

"I'll talk to the whole bunch later," Frost assured.

FROST settled back, smiling a little. The bonus was big but it was, in the long run, small payment for pushing through his steel. He was not kidding himself. He had to act fast. Because, if he didn't then Judge Bates would have time to forewarn his men, build up a defense. That was it, thought Frost. He had to act before Bates acted.

Mules and broncs were drinking at the troughs, and dust-coated men were splashing water over their faces and shoulders. Watson had broken

open a case of whiskey, and the quarts were making the rounds. Frost found himself smiling. The liquor would hit them hard on empty stomachs.

Watson came up. "Fight talk, boss," he said, grinning.

Frost told him to tell the cook to serve supper outside, putting the chuck in big kettles and letting each man dip out what grub he needed. He wanted to talk to the men while they ate. Watson came back, saying the cook was grumbling, and Frost's face took on hard, thin lines.

"Where is the cook?"

"By his stove, of course."

Frost went to the cook-shack and climbed the steps, and stood inside. It was very hot in here and the cook and his flunkies were busy. The cook saw him and turned around at his stove. "All right, Frost, they eat outside."

Frost murmured, "Thanks."

Finally the men were lined up, armed with tin cups and tin plates. They got their grub and went to a natural grassy park surrounded by pines, where they sat cross-legged while they ate. Frost ate, too, and ate fast, finishing before they did, and then he spoke.

He outlined clearly what had happened, telling how Judge Bates and Tobacco Jones had outwitted him. He left out the story of the dynamiting and the death and burial of Bart Webster. These were the only incidents he failed to mention.

He spoke in a level voice that carried to the outermost man. The evening was silent with little, if any, breeze to murmur in the pines and spruce. He did not get oratorical, for he knew there was no use appealing to the patriotism of these men. They were loyal to him only because he paid them wages.

Beyond that, they had no loyalty, no friendship, toward him and Watson. They worked for their pay and their grub and a place to sleep, not because they liked him. They would work just as well for anybody else who paid them similar high wages and fed them good grub.

The whiskey bottles were going their rounds. Questions were asked;

some sensible, some foolish. Would there be any shooting? Frost's smile was very thin at that. Yes, there might be some—the thing was to get there and get settled, make camp on Jed Lipp's homestead, before Judge Bates and Tobacco Jones got wise and moved their own crew over to hold down the strip.

One man said that Bates might already have a crew over on the homestead; Bates was no fool, he double-checked each bet. Frost allowed that this might be true, but a fight was inevitable. Then came the question he wanted to hear: "Was there a bonus or extra money for this fighting?"

He gave them the same proposition he gave the surveyors. Fifty right now, and fifty more, if they won. And if they didn't win? Well, the whole thing would be over then, that was all.

All except two men answered that they would go. These two, both elderly men, said they had seen too much fighting; they'd wait in camp. Those that had guns were supposed to carry them.

"Only use them as a last resort," warned Frost. "We want no killing, if we can avoid it, understand. I don't stand too high with the local law at the present, and I don't want to be in worse with Judge Williams."

When the dusk was thick, they left camp. A few rode mules but the majority walked, carrying homemade clubs and singletrees for weapons. One man carried a broken neck-yoke, a formidable weapon.

CHAPTER XVIII

UNKNOWN TO Frost and Watson, Greenback Fox had trailed them into the dirt-camp, and Fox had been hidden in a tent a few yards away when Frost had told the surveyor his terms, and his plans.

The old printer had expected drastic action to follow the printing of his scathing editorial denouncing Frost and the fact that Judge Bates had filed mining-claims on Jed's homestead, thereby putting Frost in a

bad spot. Now, his suspicions confirmed, he sneaked through the brush evaded the guard, and rode to the Lipp dirt-camp, belaboring his mule with his quirt.

When he came into the camp, Judge Lemanuel Bates was already talking to the dirt-men. Greenback Fox stood beside the heavy-set jurist and listened, and he realized that, as usual, Judge Lem Bates was a jump ahead of him and of everybody, for that matter.

For Bates was telling the dirt-men they were going to move their camp over on Nameless Creek; in fact, the Lipp's homestead. The men all knew what this move eventually meant and for the most part were silent. Jim Lipp, his face peeling, sat in the front row and Jed sat beside him, the judge's jug on the grass at his elbow. Tobacco squatted and chewed and looked blandly at Greenback Fox who asked the judge if he could speak.

"What're you going to tell the boys about?" joked the jurist.

Greenback Fox snorted, a small man of great importance. He had no answer for the judge's banter but waxed into his story, telling how he had crept into the Frost camp, and what he had heard. He told it in a grandiose style, punctuated with the proper pauses and loaded with suspense.

The news stirred the dirt workers. Spike, who was sitting next to Jed, growled something that sounded like, "He'd like to get his hands on Frost." The news hit the jurist hard, although he had expected it eventually. It looked suddenly as if daylight would find this matter settled for once and for always.

When Jim Lipp had organized his crew, he had used his head. In addition to wages paid his men, each man also received shares in the railroad stock, these shares being allotted on the basis of how long a man worked, and what was the nature—or value—of his work. Now each man saw his extra dividends disappearing into the dusk. For if Frost got across the homestead, then they were done. The race would belong to Frost; they would have lost.

"What'll we do?" asked a big man. "What about it, Bates?" demanded many voices.

Judge Bates took the speaker's role again. He knew the mettle of these men; his knowledge of men came to good stead. These men were ready to strike, and strike now. They did not need a bonus or whiskey to make them fight. They had plenty at stake as it were.

"There's only one thing to do, men," the jurist stated, "and that is to fight them—fight them on Jed's ground."

No cheering followed the announcement. The matter was too serious for cheering. According to Greenback Fox, Frost and his men would already be on the homestead. What then would be the Lipp plan?

Again the responsibility fell on Judge Lem Bates. They would encircle the homestead, come through the brush, and fight it out with the Frost men. They took a vote on this; all but three hands lifted. Those voting for the fight chose captains, and the judge and Jim Lipp drew up the plan of battle.

Armed with neckyokes and clubs, with an occasional pistol, the troupe climbed the ridge, and went down onto Nameless Creek. They had runners out ahead. Tobacco Jones and the judge were in the same group, a band of about six men. They went through the buckbrush and wild rose-bushes, following a trail made by deer going down to drink on Nameless.

They had to work fast. For one thing, dusk was turning into night; this had to be settled before dark, or else a man couldn't see who he might be tangling with. Before they had left camp, Judge Bates had agreed upon a signal to be used among his men, and had selected the pass word *Nameless* as their signal.

Tobacco Jones scowled, chewed diligently. The judge took a drink and allowed that Tobacco looked sort of pale around the gills, and at this the postmaster bristled. They heard men talking ahead of them, beyond the wall of brush. Frost men, the jurist said.

SPIKE was with the judge and postmaster. The youth carried a double-tree a dangerous weapon. Greenback settled down, scrawny out of a piece of bridle-strap and he had a heavy steel bolt tied to the end of it. In addition, a short club swung from his belt, anchored there by another piece of leather.

The runner, a slender man, came back, panting a little. "They're unloading their tack right in front of the cabin, Bates. They had guards out; the boys got them right off, knockin' them out. Word outa come down the line soon to close in on them. This is gonna be fun."

"I don't think so," said Tobacco.

The jurist didn't think so, either. Here he was, a man of the bench, a man who had taken an oath to support legal procedure and statutes, and he was going into a common brawl, a gang-fight. And somebody might get killed, no two ways about that. He glanced out into the dusk. They were slow getting started. If darkness came on them—

Spike toyed with his double-tree. Greenback Fox had made a slingshot back against a big tree, and he looked at Nameless Creek, bubbling by unconcerned. Suddenly he stiffened.

"There's the signal, men!"

The word came through the brush: *Nameless, Nameless Nameless*. Somewhere beyond them, a man ended it in a wild roar. And then they were running through the brush, running toward the cabin.

When Judge Lemanuel Bates came into the dusky clearing, men were already fighting. Curses and grunts, punctuated by the swing of clubs, were loud in the evening. The jurist plowed into the fray, using his shotgun as a club.

He lost track of Tobacco Jones. Now he was fighting, grinning and slugging. Somewhere a gun roared. The sound was dull on his brain. He met a big Swede, clipped him with the shotgun's barrels, a glancing blow that sent the Swede down. And as the man fell, the jurist booted him in the jaw, knocking him cold.

No quarter was given; none asked.

And this fight could not last long.

A big man roared down on him, and Judge Bates lifted him with his knuckles so hard he thought he had smashed his hand. The blow did not drop the man, but it turned him. And the jurist's boot, snaking out, tripped him into the creek.

"Hey, Bates!"

Somehow Tobacco was calling, and the jurist pivoted quickly. Yonder the postmaster was tangling with two Frost men. The jurist's shotgun swung sharply and one went down, knocked asleep by the heavy barrel. The judge hoped he would not spring his barrels.

He left Tobacco fighting with the man, and ran to another group. And as he ran, he saw that the Frost men were pulling back; some, in fact, were in open retreat, running through the brush. He wondered where Frost was. So far, he had not seen any sign of either Frost or Watson, and he wanted nothing better than to take the measure of each man.

"Nameless."

The battle-cry was sweeping across the clearing. More Frost men were running; Greenback Fox limped up. "Bates," he said, "I got Watson. Get him back yonder—my slingshot."

The little printer had blood across his face. A gunsight had raked him there. He staggered, fell, sat down. "He's back yonder—"

Tobacco came up, nose bleeding. "They're on the run, Bates. But where is Frost?"

"I dunno."

They stood there, two ragged, heavy-breathing men, listening to the Frost men retreat. Mules crashed through brush and somebody rode smack-dab into the barbwire, for they heard the sing as the wire snapped. Lipp men came up, Jim and Jed with them, and Bates asked, "Did anybody see Frost?"

Jed rubbed a broken lip. "I h'ain't seen him."

Somebody hollered from the brush. "Frost's over here. The kid's got him—He's killin' him—"

Judge Bates and Tobacco Jones

dragged the beating, cursing Spike off the inert Frost, who lay in the long grass. Spike kicked at them and cursed them, and the jurist slapped him hard, silencing him. Sanity returned to the youth.

"He blowed me off the cliff—He tried to kill me. I caught him sneak-in' off—he was rabbitin'—"

Greenback Fox came up. He and another man had Watson in tow, with the gunman cursing them. Watson had a broken nose that lay to one side of his face, and his right eye was almost closed. His hair was matted with blood.

"One of the skunks," growled the printer. "This dog dead, Bates?"

Judge Bates was feeling for Frost's pulse, found it. "He's alive," he said. "Just out, that's all. The rest done beat it, huh?"

"They've all run off." Greenback kicked Watson in the pants. "Somebody get hold of Frost. We're gonna tote these two into the jail an' then I'm goin' put out an extra. The Battle of Jed's Homestead, I'll call it."

GREENBACK FOX put out his extra, and sold every copy. Judge Bates swore out a warrant for Frost and his men, charging them with trespassing on private property to incite trouble. Next week, Frost and Watson, their trials completed, were found guilty, and stood before Judge Isiah Williams for sentence.

Watson had turned yellow and had talked. His testimony had automatically cleared Jed Lipp of the murder charge, thereby freeing the homesteader who, even now, was working at his still in the brush along Nameless Creek.

The crooked recorder, hearing of Frost's defeat, had skipped the country, going out the night after the fight at Jed's homestead. Frost was sentenced to twenty years at the state penitentiary at Deer Lodge, the

severity of the sentence being placed on Watson's testimony regarding the dynamiting of the Lipp freight-wagons.

Watson drew five years at the penitentiary.

Four men were wounded by bullets in the battle, but they all recovered. The same day sentences were passed on Frost and Watson, Jim Lipp's railroad reached the mine. Stirrup City was celebrating by a bucking-horse contest and a big dance afterwards, all at the Lipp brothers' expense.

But when the bronc-kickers came out of the chutes, hitting their wild broncs in the necks with their hooks, Judge Lemanuel Bates and Tobacco Jones were not in the audience. They were out on a small creek fishing.

Tobacco consulted his watch. "Reckon the trials must be over, Bates. So Watson is goin' draw five an' Frost twenty. Well, that'll keep them outa misery an' trouble for some time. So you an' Judge Williams cooked up them sentences ahead of time, huh?"

The judge flicked his fly into a cool pool. "Yeah, we did."

"You got a bite," Tobacco said.

The judge was fighting the big rainbow. The fish leaped, shiny and wet, and came down, water splashing. The judge fought the wily fish, all his attention on the battle.

"Hope he don't get away, Bates."

The jurist grinned. "Beat it, friend, you're bad luck. Get down the creek aways and try your luck, don't pest-er me."

Tobacco ambled off through the wild ferns. Once he looked back. Judge Bates was just landing the big rainbow. Tobacco bit off a chew and spat and decided to catch a bigger fish.

THE END

'I HAVE NOT YET BEGUN TO FIGHT!' JOHN PAUL JONES

GREAT HEROES OF THE U.S. NAVY...



Today, we mark the 200th anniversary of John Paul Jones's birth, America's first great sea captain. In September, 1779, his ship, the Bon Homme Richard, lay shattered and sinking beneath the guns of the British Serapis. To the demand that he surrender, John Paul Jones shouted defiantly, *"I have not yet begun to fight!"*

His smashing victories over the British won the respect of the world for the young United States and established a mighty tradition which has been carried on by such great Naval heroes as Perry, Levy, Farragut, Dewey, Halsey and Nimitz. There's was the spirit that made our country great, and the courage that has kept it free!



COMMODORE
OLIVER
HAZARD
PERRY

BRILLIANT GREAT
LAKES COMMANDER OF
THE WAR OF 1812.
*"WE HAVE MET THE
ENEMY AND THEY
ARE OURS!"*



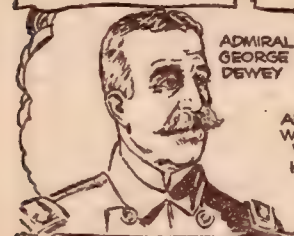
COMMODORE
URIAH P.
LEVY

TERROR OF THE SEAS IN THE WAR
OF 1812; DREADED BY OUR ENEMIES—
IDOLIZED BY OUR MEN
*"ABOLISH THE BRUTAL POLICY
OF FLOGGING IN THE U.S. NAVY."*



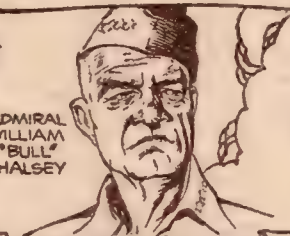
ADMIRAL
DAVID
GLASGOW
FARRAGUT

CIVIL WAR HERO OF
THE BATTLE OF NEW ORLEANS
AND MOBILE.
*"D— THE TORPEDOES!
FULL SPEED AHEAD!"*



ADMIRAL
GEORGE
DEWEY

CONQUEROR OF MANILA
BAY IN THE SPANISH-
AMERICAN WAR.
*"YOU MAY FIRE WHEN
READY, GRIDLEY."*



ADMIRAL
WILLIAM
"BULL"
HALSEY

FIGHTING ADMIRAL OF
THE FAMED THIRD FLEET.
*"BLOW ANY JAP SHIP
OUT OF THE WATER;
SHOOT ANY JAP PLANE
OUT OF THE SKY!"*

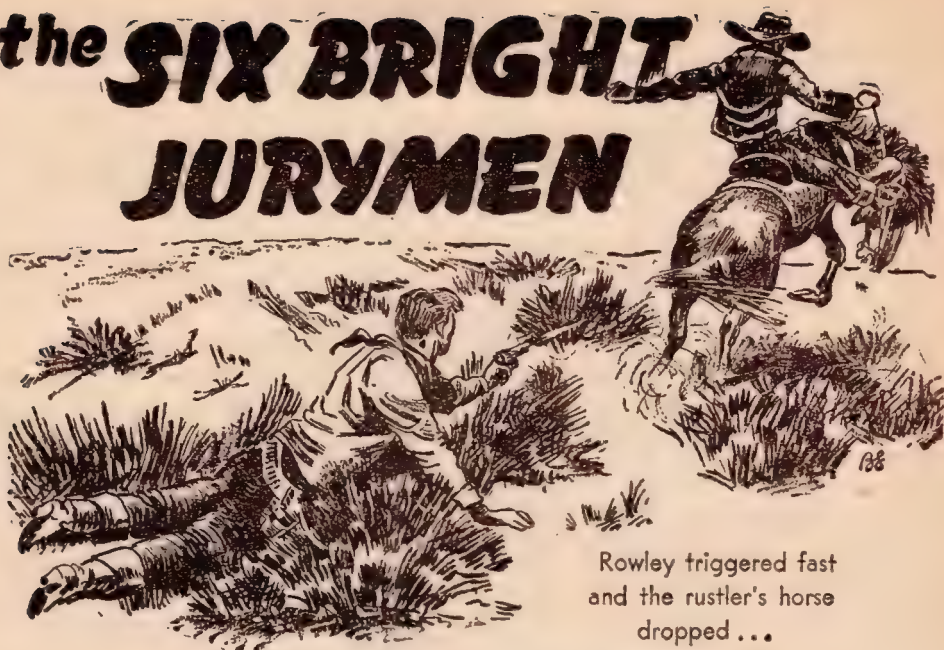


ADMIRAL
CHESTER
NIMITZ

CHIEF OF OUR NAVAL
WAR AGAINST JAPAN.
*"THIS WAR IS SIMPLE
ARITHMETIC. SUBTRACTION
FOR THEM— ADDITION
FOR US."*



the **SIX BRIGHT JURYMEN**



Rowley triggered fast
and the rustler's horse
dropped ...

By **ALLAN K. ECHOLS**

"I aint askin' that you set Walt Bridges, or any other man accused of brand-blotting free; all I'm sayin' is that you gotta give every-one a fair trial!"

THE LAND here in the Indian Nation was new and rich, and it offered a man the opportunity he needed to dig in and make himself a home in these turbulent days after the Civil War. New land, new friends and new laws. Men from Texas came up and grouped together in new settlement.

But the arm of the Federal Government had not yet grown long or strong, and it was up to the settlers to rule themselves. A man's neighbors were his judges, and the right of every man to live in peace and security was the law by which he was tried. There were six jurymen; they were the six brass shells, and their jury box the cylinder in a man's Colt forty-five.

On this brisk day in early January, Dave Rowley and his boss, Jess Noble, rode into the settlement of Antlers to hire an extra hand for the Noble ranch of which Dave was fore-

man. Rowley was a tall and lean young man out of Texas, with broad shoulders and a square-cut jaw; he sat his big bay like a man 'born in the saddle. Noble was older, a large, strong man who said very little.

Dave sensed that there was something wrong before he got quite into town, and when he saw the small crowd milling toward the big oak tree by the blacksmith shop, he pushed his horse forward a little faster. He smelled trouble, and instinctively touched the two guns at his hips as his horse closed the distance between himself and the crowd. Noble came along a little behind.

Dave's lips went tight, for he did not like the thing which he knew was happening here. He had seen too many hang-mobs not to recognize one when he saw it. Mob rule meant the senseless law of the jungle, and he did not relish this first appearance of it here in Deerlick Valley.

He spurred his animal up to the mob, standing in his stirrups, and pulled him up short. It was the same old vicious picture he had seen so many times down in Texas, perhaps fifty milling, range-clad men afoot and horseback. And in the center of the pack, a lone man on horseback, his hands tied behind him, hat lost, and blood streaming down his temple, a look of panic on his face, while two men fixed a loop round his neck.

This victim's eyes darted around the crowd in an appeal for mercy, hopefully looking for a sign of sympathy on one face. And then the victim saw Dave Rowley at the edge of the crowd, and he yelled.

"Hey, Dave! Rowley! Help me! For Gawd's sake, do something! They're going to hang me!"

The crowd growled back at the man in grim tones, and some of them turned to see who the victim's friend was.

ROWLEY'S jaws went tight. He heard the man's voice, and recognition came to him. Walter Bridges. He had ridden with Bridges down in Texas. A man, tall and hungry-looking, not given to expressing himself, Bridges was not concealing his fear now.

Now they were tightening the noose around Bridges' neck and adjusting the hangman's knot behind his ear.

Dave spurred his horse and lashed his hip with the ends of his bridle reins. He shouted and drove the animal through the crowd. He unholstered his pistol, and stooping over in the saddle, he forced a path through the crowd with the gun barrel and his horse's hooves, and finally reached Bridges' side.

He had both guns out now. "Let's hold this up a while. Take the rope off his neck!"

A wave of curses swept along the mob and resounded against Dave's ears, but he ignored them and pushed his horse up alongside that of the victim, and covered the two volunteer hangmen with his guns.

"I said take that rope off his neck!"

One of the two men was old and small and wore a white goatee. He had little snapping black eyes and a tight mouth. "This man is a thief, Rowley. I caught him brandin' one of my calves. Caught him right in the act, and he can't deny it. We ain't even *fixin'* to let rustlers git a start in this valley. Now, pouch them weapons and let us get on with the hangin'."

It was evident to Dave that old Bascom Waner was the spearhead of the mob. He looked over the crowd. They were sullen, but waiting to follow Waner's lead. Dave saw that his job was to deal with Waner. Waner was a querulous old man, but there was moral strength in him, and some of the qualities of leadership.

"Let's not get in too big a hurry, Bascom," Dave said quietly. "We don't want thieves here, but we don't want this country to be run by mob violence, either. We've got to be fair about things, give a man a trial."

"What more do you need?" Waner snapped in his high-pitched and squeaky voice. "I caught him brandin' my stuff. That's stealin' anywhere."

Dave kept his gun in his hand, the muzzle pointed toward the crowd. He looked at Bridges.

"What about it?" he asked.

Bridges, his hands still tied behind him, was sweating and limp in his saddle.

"I could explain, if they'd give me a chance," he said huskily. "But they wouldn't."

"You've got the chance now."

Bridges blinked and shook his head, and then began talking for his life. "I didn't intend to do nothing wrong," he said. "I come up here about three months ago, and I wrote in to register me a brand, just like anybody else that wanted to get a start in a new country. I come up from Texas, and down there anybody that wanted to start a brand, why he just registered one. Any wild stock that didn't have a brand, or calves that wasn't followin' branded cows, was his if he put his brand on 'em. Everybody done it, and I reckoned you all done the same up here. Me

and Rowley here, that's the way we met. We was workin' for a rancher doin' that very thing, wasn't we Dave? And that rancher wasn't no thief, no more than me'n Dave, or any of the rest of you. I bet lots of you done the same thing down in Texas. Didn't you?"

A SILENCE came over the crowd, and Dave knew that the man had hit some of them square. Bridges was telling the truth. After the war between the States, men had come home to find the whole state of Texas swarming with unbranded cattle, and they had taken their ropes and irons and gone out and built up branded herds for themselves.

Dave said to Waner, "You see? You came up from Texas yourself. You drove your own herd up, and if I know stock, there's still a lot of long-horn blood in your stuff. Tell me, Waner, did you ever brand a maverick down in Texas?"

Waner's eyes snapped. "Of course I did. Cattle was free for the brandin'. But that ain't so here; every cow and calf on this range belongs to somebody, and any man puttin' a brand on a calf not followin' his own cow is a thief."

"It seems," Dave said, "that whether a man is a thief or not depends on where and when he brands a maverick. I don't like thieves any more than you do, but you've got to have sense enough to realize that maybe this man didn't know that conditions were different here. Did you give him a chance to explain?"

"I don't need no explanations from a thief," Waner snapped.

"Was the calf he was branding following a cow with your brand on it?"

"No," Waner admitted, "but I'd know that calf anywheres, and he was mine."

"This man might not have known your calves by their first names," Dave suggested. "And thinking that he had a right to brand any maverick he saw, he could have been entirely honest in slapping his iron on it."

Somebody in the crowd laughed, and Dave knew that he was getting a

hearing from the mob. He pressed his advantage.

"Most of us are up from Texas," he said to the crowd. "Let's be fair to a new settler. Let every Texan that *never* put his loop on a maverick step up to the front, and if they feel the itch to have some human blood on their hands, let them do the hanging. But those that have branded a dogie, let them step up and be hung for the same crime you're getting ready to hang this man for. Is that a bargain?"

The whole crowd was laughing now, and Dave Rowley knew that he had saved the man's life.

Only Waner was still angry. His white goatee quivered as he shook his finger at Dave.

"Young man, you're making a mistake. If'n there's any more cattle stole on this range by this man, I'm holding you personally responsible for turning the thief loose."

"That's fair enough," he said. "I'll take the responsibility for him."

He turned to the still weak Bridges. "It's settled," he said. "They've found you 'Not Guilty, but Don't Do It Again.' This is not Texas, Bridges."

Waner grumbled and turned his horse and galloped down the road toward his ranch. Dave untied Bridges' hands and threw the pigging strings on the ground. The crowd broke up into little groups and drifted away, and Dave was alone with the man whose life he had saved.

"That was a close one," Bridges said. "I'm sure obliged to you, Rowley, I'd have been a dead dog if it wasn't for you. I hope they let me get back home without grabbin' me again."

"They will," Dave told him. "Waner's all right, but he's a fire eater, and he made them lose their heads. Ordinarily, they're good neighbors. You got anything to do in town?"

"I come in to buy some groceries," Bridges answered. "I've got a little place out in the hills that I'm trying to build up. But right now, I don't know."

"Don't worry. I'll go along with you, to see that they don't bother you till you get out of town. You

wouldn't be looking for work, would you? I need a man."

"I'm obliged, but I'm trying to get me a brand started, and right now I've got to get a barn up. Gonna keep me busy all winter gettin' things goin'."

THEY RODE up to where Jess Noble sat with one leg over his saddle horn, watching things. Dave introduced Bridges to his boss. "We both worked for the Big S down in Texas," he explained. "Bridges is settling here, if they'll let him live long enough."

The elderly man's keen gray eyes sized up the mob victim, and he said nothing. The three of them went to the store, attended to their business and set out on the road together. It was late in the afternoon, and a bank of dark clouds was rising in the northwest. The air was getting a cold edge onto it.

As they rode out the narrow trail along the foot of the hills that marked the boundary between the open rangeland and the piney mountains, Dave Rowley studied the man he had saved from the hangnoose.

Come to think of it, he didn't really know too much about Walton Bridges. They had lived for about a year in the same bunkhouse, and had gone through one Fall roundup together. About all he could remember of him was that Bridges knew how to handle cattle, and that he didn't go to town and get drunk on payday. He had talked some about building his own spread, had often expressed dislike at the idea of swinging a rope on mavericks to go into another man's herd instead of his own. As Dave thought back on it, he really didn't know much about the man at all.

But, he had ridden with him; and Bridges was friendless and had almost lost his life on a point of frontier law which had its followers on both sides of the fence. There were plenty of good men who had got their start in just the manner that Bridges had started out here.

About five miles out of town they pulled up at a stream where a fork of the trail led up into the hills.

"Here's where I turn off," Bridges said to Rowley. "And thanks for saving my neck. I'll try to repay you somehow."

"Don't mention it," Dave Rowley said. "And here's a tip about conditions around here. There weren't any cattle on this range when the white men moved in. Every head here was brought in, or born to a cow owned by somebody. This is open range, but we all pay the Indian Agency for grazing rights. Any stock that's not definitely the property of some recognized brand goes automatically to the Agency for the benefit of the Indians. Our cattle all run loose together, but as long as folks remember that, there ain't no danger of any loss from long loops. We all get along all right."

"Sure," Bridges grinned. "Now that I see how things are, I'll keep my rope on my saddle horn. Well, I live up at the beginnin' of this creek. Come by sometime and visit."

After Bridges had turned off and disappeared in the pines, old Jess Noble asked:

"Bridges a particular friend of yours?"

"No," Dave admitted. "Just rode with him, and a man can't see an old saddlemate hung without a fair shake."

"Know much about him?"

Dave looked at the old man quickly, but Noble's face was expressionless.

"Why no," he admitted. "Just rode a season with him. Seemed to know cattle, and was pretty steady. Didn't throw his money away. Why'd you ask?"

Noble smiled gravely. "I thought maybe you knew him pretty well, taking the responsibility for his conduct around here. That'd be quite a load on your shoulders, if he didn't turn out right."

Dave argued, "He's got something on his side. Where we came from, strays belong to anybody that brands 'em. He could have meant right, but just didn't know it was different here. Besides, I don't believe in mob rule. A man can't stand by and see an old acquaintance hung for what

might have been a mistake instead of a crime, can he?"

Jess Noble studied this a long moment as they rode. Then he said thoughtfully:

"There's justice in what you say. I just hope you haven't bit off too big a bite."

"You don't like his looks?" Dave asked.

"It's more'n that," Jess Noble answered. "If I ain't mistaken, he looks mighty like a hoss thief we almost hung down on the Concho some years ago. He escaped, though."

Dave Rowley felt a sick sensation in the pit of his stomach. Jess Noble was a slow man to speak ill of anybody, and he wouldn't 'ave said what he did if he hadn't given a lot of mind to it, and had come to the conclusion that he was absolutely right before he spoke.

As they rode on in silence, Dave Rowley came to know that in assuming responsibility for Bridges' conduct he was risking a lot of trouble. If Bridges made another crooked move, all hands would turn to Dave Rowley, and they would want to know what he was going to do about it. They'd ask among themselves what kind of man was this Dave Rowley, who sided a thief. A new man in a new country couldn't afford to be in such a position.

ABOUT a week later, Dave Rowley rode into Antlers again. Although Jess Noble had not again brought up the subject of Bridges, it kept eating on Dave's mind, and he finally came to the conclusion that he could not rest easy until he had again seen Bridges and tried to size the man up more. If Bridges were honest, then Dave felt he owed it to the friendless man to stick with him until people got over their suspicion of him. If on the other hand, Bridges wasn't right, then Dave owed it to himself to find it out, for he held himself strictly accountable for Bridges' conduct.

When he got to town his fears were justified. There was another mob forming, and they were going after Walt Bridges. When Dave rode up,

little old Bascomb Waner stood on a barrel in front of the blacksmith shop, his white chin whiskers quivering and his fists waving in the air as he harranged the crowd.

"And this is what happens when we turn a thief loose," he was saying.

Then the old man's gaze came to a stop on Dave, and his voice halted in mid-speech. His eyes snapped and his face tightened.

Then the old man pointed.

"There's the feller that made us turn him loose. There's his friend, the man that said he'd be responsible for that jigger's conduct. Look at him, settin' there figgerin' out some way to save him again. But by the jumpin' Jehosaphat, he ain't agonna do it, not if I can help it. Dave Rowley we're gonna hang that man this time, and you ain't gonna stop us. We'll have no thieves and killers amongst us, no matter what you say."

Dave Rowley spurred his horse through the crowd and stopped beside the old man on the barrel. One fist was resting on his hip, his gun bristled menacingly in its holster. He heard an angry muttering in the crowd, and he looked down on them until they were silenced. Then he turned to the old man.

"What's that you were saying, Bascomb?"

"You heard me. That friend o' yours has gone and done it again like I knowed he would. Onest a thief allus a thief, I say."

"Meaning what?"

"We caught that Bridges running a brand on one o' my cows, and this time it was wearin' my brand. You can't talk us out of it again, Rowley. He shot my son, Roy, when he caught him. I'll have that man's blood if I have to shoot him down like a coyote."

"How'd you know it was him?"

WANER LOOKED surprised. "Didn't him and my son fight? We was out lookin' over the range when my son run onto this hombre with a cow tied down and a runnin' iron heatin' in a little fire. They had words and there was shootin', and my Roy went down with a bullet in his

leg. This jasper jumps on his horse and heads towards the hills. Roy was bad hurt, but he managed to get in one shot, which crippled that hombre's horse. So the hombre leaves his horse lyin' there and takes Roy's and gets away. We was about a quarter or a half a mile away when we heard the shootin', and we came a high-tailin' it, but the jasper was gone. So we taken Roy into town, and here we are—goin' after that hombre for keeps this time. And how do you like that?"

"Who besides you saw it?"

"Hank Bodine, my foreman saw his horse. Tell him, Hank."

Hank Bodine was a big dark man with a beetling brow. He was ignorant and surly, but he was honest and knew cattle; and like a faithful dog, he thought a lot of his little, fire-eating boss, who was about the only man who could bully him around.

Big Hank stepped out of the crowd, and his face was grim. "It's just like Bascomb says. The hombre's horse is lying right there where he fell, near the little fire the hombre made."

Dave Rowley could not doubt the truth of the men's statements. "In that case," he said, "I was wrong about the man. I only wanted to give him a fair shake. But if he's a thief, then I've got no more to say except that there never was any good come of a hang mob. There's lawful and orderly ways of handling the man."

Big Hank's face went dark. "If I had my say, we'd hang both you and him. It was you that turned him loose before. And it was you that guaranteed his behavior. To me, it's just the same as you brandin' that calf and shootin' Roy."

Dave Rowley slid off his horse, stood before the big man and said calmly. "I just said publicly I'd made a mistake in judging the man. Didn't you hear me?"

"And I'm repeatin' what I said; a man that takes up for a thief is the same as a thief in my estimation. I would—"

Dave Rowley hit the man on the chin with a blow that could have been

heard a mile, and Big Hank went down in the dust, half unconscious.

"Anybody else here think I'm the same as a thief?" he asked.

Bascomb Waner had spunk along with his cockiness, and he was afraid of no man. He spoke up to Dave Rowley.

"All right," he said. "You guaranteed the man's conduct. If you don't want no mob to work on him, you go bring him in. How about it? If you're the right kind of man you'll make good your mistake. Now where do you stand? Speak up."

Dave Rowley leaned against his saddle a while and pondered this. An idea was slowly forming in his head, the result of a matter on which he had pondered for many months. Now, while these men were faced with a problem, it might be the best time to try it on them.

"Here's a proposition I'll make you men," he said. "As I said before, I rode with the man, and it ain't easy to turn your hand against a man you rode with. I didn't know he was a thief when I took responsibility for him. But I did what I did, and I won't back down on it. I'll go and bring him personally—on one condition."

"On condition we turn him loose again?" Bascomb Waner chirped.

"No. On condition that he be given a fair trial. Whatever a jury decides about it will be done."

"Huh," Waner snorted. "That's easy for you to say, since we ain't got no courts nor no judges here. We're the only judges—"

"Fine. We need some kind of law here, and right now's the time to get it. While I go get the man, you organize yourselves a court. Pick the fairest man you can for a judge. Pick a man to defend Bridges and another one to prosecute him. Pick yourselves a jury, and swear them in. Let them hear the evidence and pass the sentence on him. But do it like respectable citizens, not like a pack o' wolves bringing down a calf. You want law here—make it. And now, Bascomb, as you said to me, where do you stand? Speak up and tell us whether you're for mob violence or law?"

SOME of the wind went out of the chipper little fire-eater, and he thought it over a moment. He looked at the crowd, and he saw that they were watching him. He knew that he had certain influence on them, and he was too sound basically to guide them into the wrong thing.

"All right, Rowley," he said. "We'll organize a lawful court. But if you're thinking of helping that man escape justice again, then you'd better watch out for your own neck. Now, be off with you, and you'd better not come back without that man."

Big Hank had got to his feet and was dusting himself off. He glowered at Dave, but held back from saying anything.

Dave put a foot in his stirrup and sprang into his saddle. "All right," he promised, "I'll get the man and bring him in. If you've got a court formed, I'll turn him over to you. If you haven't, I won't."

As he rode out of town, one thought kept returning to his mind. According to Waner, the thief had been riding Bridges' horse. He re-

membered the horse, a black mare with a double X branded on the right shoulder. It was this dead horse which was Waner's evidence that Bridges had been the thief.

There was small chance of error, but still it could have been possible for somebody else to have used Bridges' horse to do his branding on, just to cover his own guilt. It would not be fair to Bridges to convict him on the evidence of the horse alone. Unless Roy Waner could identify the man positively, there could still be a doubt as to Bridges' guilt. But if Rowley brought up this point, he knew that Waner was going to really blow up.

Rave Rowley reached the creek where Bridges had turned off, and followed the dim trail upward into the hills. The going got rougher as he got higher into the hills, and in an hour's time he was in really tough going.

Rock ledges as big as houses protruded from the hillside, and tangled undergrowth of buc'brush, scrub oaks and grapevines made the way

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almost impassible. The weather was growing colder with the passing of the afternoon, and now the air had a real bite in it. Overhead the sky had turned dark gray, promising snow at any time.

It was after another hour of hard going that he suddenly broke out into a long open shelf of flat land of about twenty acres surrounded by stone and timber walls, a kind of hillside box canyon, making a perfect natural corral, even to a running stream bisecting it.

In this corral there grazed perhaps fifty cows with their calves.

Rowley rode out into the herd and examined them. The cows all bore a W-B brand, newly burned, and still healing.

He rode up to one of the animals and examined it. It was apparent to him that the brand had not been stamped, but had been drawn over some other brand with a running iron. He studied the cow a moment, then rode on to another, and then another, and they were all the same.

There was no question in Dave Rowley's mind now that the man he had stood responsible for was stealing cattle, and he felt a deep depression within him. He had taken a big risk to protect Bridges, made bad friends with his neighbors in his efforts to befriend the man, and he had saved the man's life at the expense of his own reputation. Bridges had thanked him, and had promised to repay the favor somehow.

And this was the way Bridges was repaying him.

He turned and headed sorrowfully back toward the trail, intent on locating Bridges' house.

THAT WASN'T necessary Bridges rode out of the timbered trail, and across the dead grass to meet him. Bridges wore a gun strapped over his canvas, sheep-lined coat, and as he pulled his horse to a stop, his face was a mask. He was on a Wamer horse.

Rowley took a deep breath. "Bridges," he said, "this makes me sick. It's damned hard to take."

"What is?"

"Those cattle. When I got you away from that mob you told me you weren't up to anything, and I took your word for it. I stood good for you when you didn't have a friend around here. You've put me in a mighty tough spot, man."

Bridges' fist rested on his thigh. "You got me out of a tight, and I thanked you for it. But further than that, Rowley, I think you'd better drop it. It'd be best if you rode on where you come from and forget what you just saw. And you can consider that hint as saving your life."

"I see what you mean," Rowley answered. "But I can't drop it, even if I wanted to. You see, I stood good for you."

"You can tell 'em what you like. Tell 'em I outnumbered you, got the drop on you or something."

"That still won't work, Bridges. You see, I live around here, and I've got a duty to my boss and to my neighbors. That stock belongs to them."

"And where did they get it?" Bridges shot back angrily. "Just like I did—took it. Maybe not these cows, but the ones they got their start with. Are they any better than I am because they stole enough to turn respectable? Rowley, I'm getting mine just like they did. I'm payin' you back your favor by warning you; don't get in my way."

"Then we're square. I explained conditions here to you," Rowley answered patiently. "But you don't want to see it. Bridges, give me your gun."

"What do you mean?" Bridges barked, suddenly alert.

"I'm going to have to take you to town. You'll get a fair trial—"

"Like hell you'll take me to town," Bridges shouted. "I'll see you in hell—"

Bridges' hand brought his gun out with lightning speed. Rowley sank his spurs into his own animal as he reached for his own weapon. His horse reared up and shot forward just as Bridges fired at him.

Bridges' bullet nicked the horse, and the animal went into a tantrum of fear, throwing Rowley to the

ground. Rowley landed on his head and shoulders and rolled over. His gun fell to the ground.

BRIDGES' sank spurs to his animal, and headed for the wooded path. Rowley crawled to his gun, lifted it and threw a shot at Bridges. Bridges fell off his horse and the animal raced on in a circle, leaving Bridges exposed.

Rowley was on his feet now, walking toward him. He shouted:

"You'd better drop your gun. There's no use in all this—"

"No?" Bridges snarled. "You're not hanging me. Come and get me, if you want your belly full of lead."

"I'm coming, Bridges."

Dave Rowley kept walking toward Bridges, a hundred feet away and standing spraddle-legged. Bridges' hat was gone, and his hair down in his eyes. And all the meanness in his soul shown out of his eyes.

"Stop!" he yelled.

Rowley kept walking.

Bridges' hand came up fast, and in the gray light of the leaden skies

his gun spouted an orange flame as it roared.

The bullet caught Dave Rowley somewhere near the collar bone and spun him around. He landed on hands and knees, but he held fast to his gun as he tried to get up.

Bridges shot at him again and the bullet carried Dave Rowley's hat away. Bridges was shooting to kill, shooting to cheat the noose. There was no compromise now.

Dave Rowley's strength was noticeably ebbing, but he forced himself to his feet and stood with legs well apart to support his aching body.

Bridges cursed and his face twisted with hatred as he squeezed on his trigger again.

And as Bridges' gun roared, Dave Rowley opened up and sent four shots toward him as fast as he could trigger his gun.

But even wounded and fighting for his life, he had been careful not to place those four bullets in vital spots.

Bridges' body jerked as the first bullets plowed into him, and the last one sent him to the ground, writhing

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and twisting with pain. His gun had fallen from his hand, and Dave Rowley staggered over to it and picked it up and put it into his own belt.

Then Dave Rowley did what he could to stop the flow of blood from the body of the seriously wounded Bridges.

Bridges was still conscious. "Don't bother," he said in a weak voice. "I'd rather just lie here and die. I don't want to be hung."

It's not likely that the court will make cattle stealing a hanging offence," Rowley told him. "But I've got to take you in, anyway."

Bridges didn't answer, but lay on his side with his knees pulled up toward his chin.

Rowley called his horse. He was weak from loss of blood, but he pulled himself aboard and went and caught Bridges' horse and after long effort, during which he was growing weaker from his own wounds, he got the man across his saddle and tied so he would not fall off. Then he set out for town.

Soft snowflakes started sifting down and the air grew gray with them.

IT WAS growing dark in the blacksmith shop in Antlers, and the little group of men sitting around the glowing forge were growing impatient and angry. They had made several trips to the saloon for bottles, and with sugar and water heated at the forge, had made hot toddies and a pot of coffee. And now their patience was growing thin.

"I told you," Bascomb Waner snorted, "that there wasn't no use in waitin' for Rowley to come back. Likelier'n not him and that Bridges is holed up somewheres laughing at us. Another ten minutes and I'm callin' off my end of the bargain and goin' home. And from then on, the first sight I catch of either of them I'm takin' my gun and—"

The sound of horses' hooves outside interrupted him, and several

hands opened up the shop's double doors.

A blinding lot of snow blew in on the cold air out of the darkness, and two horses topped with snow-covered figures stood in the doorway with the red light of the forge shining on them. Somebody grabbed the bridle bits of both animals and pulled them inside, and the doors were shut quickly against the storm.

The figure weaving in his saddle turned loose the horn and fell out of the saddle and lay on the floor of the blacksmith shop. The other figure, lying tied across its saddle didn't move.

It was Waner himself who stooped over the body of Dave Rowley lying on the floor, and felt his pulse. "He's still alive," he shouted. "Get some whiskey, and somebody get the doctor."

"This other'n ain't alive," said Big Hank Bodine, who was examining the body of the man on the horse. "And it's that Bridges' hombre, all right. Wadda you think, he did bring him in, didn't he?"

"At almost the cost of his life," Waner snapped. "Rowley's wounded. Run for that doctor, I tell you. Run! Don't walk!"

The whiskey revived Dave Rowley slightly, and he opened his eyes. He seemed to recognize Waner. "There's your man; I caught him with the goods, and I'll appear against him—provided you've organized your court."

"You won't appear against this jigger," Waner said. "He's done cheated the court out of its first case. But we was talkin' while we was waitin' for you. Maybe it'll make you feel better to know that we decided to keep the court organized permanent. I been sayin' right along that we needed was a real court here—"

"Sure you did, Bascomb. Well, I'm glad you made folks see it your way."

THE END

BOOTHILL BARTER

By GUNNISON STEELE

Johnny Gort and Ann Denny had the gold they'd labored for, but now it would mean nothing unless they could find shelter from the blizzard.

TO JOHNNY Gort and the girl, stumbling along with their bodies braced against the savage onslaught of wind and sleet and snow, the blizzard seemed a many-headed monster screaming at them violently and wickedly in its many-toned voice. It bellowed out of canyons and across timbered slopes, like a wounded black panther squalling and snarling at its prey.

Johnny knew they had to find shelter, or die. His tough, lanky body was numb with cold, his freckled face burned like fire from the lashing sleet. Ann Denny, her slender body half-supported by Johnny Gort as they met the storm's insane onslaught, was in even worse shape. The shaggy little pack mule, laden with gold and other things, shuffled along with rump humped against the wind.

Ann kept murmuring, "...So cold, Johnny. Are we about there?"

"Anytime now," Johnny would say. "The cabin should be just ahead. Soon we'll have a warm fire, and food."

Then he would swear in a low, bitter voice. For he wasn't sure about the old abandoned cabin. Maybe it was miles away, maybe they'd already passed it. When the storm struck, hours before, the sun had gone out like a candle being snuffed out by the wind, leaving a purplish, shroudlike pall over the highlands. In the ugly twilight they could see no more than thirty feet.

But they couldn't stop, or they would quickly die. The cabin was their only hope. It was always stocked with food and wood. All Johnny knew was that it was on the right bank of Williwaw Creek. For

the last two hours they'd been following the crooked, frozen course of what he thought was Williwaw Creek.

The blizzard shoved and wrestled them along like a human adversary. It slammed them against a wall, and for a moment they huddled there gasping for breath. Here the wind was not so violent, but the cold was like sharp knives cutting at them.

Ann's face was a pale splotch inside her white-fur parka. She whispered, "We're going to die, aren't we, Johnny?"

"We'll find the cabin," Johnny Gort promised hoarsely. "Just a little while longer now."

"I—it's no use. Losing the gold's not so important now. But it's not fair. Father died for it. And we worked hard for it, so we could get married and buy us a little ranch down where the sun shines all the time. You might make it—alone—Johnny."

"Shut up!" Johnny said roughly. "We're not licked yet. Here, I'll help you..."

ANN SAID nothing. Her head had fallen forward on his shoulder. Johnny lifted her in his arms. He pushed away from the wall, pulling the reluctant pack mule with him. The sleet-laden wind slammed at him, almost knocking him to the frozen earth. He braced himself and fought on, following the frozen creek, peering interminably through the half-light in search of their only hope for life—the cabin.

Ann stirred occasionally in his arms, murmuring. She thought she was beside a warm fire, eating warm food. It had been hours since they

felt heat, almost two days since they'd eaten.

Almost five months ago they'd gone into the Horn Peaks on a gold hunting expedition: Johnny Gort and his partner, old Pete Denny, and Pete's slender, dark-eyed daughter Ann. And, high in the hills, they'd found ripples of virgin gold interplaced in a rotten ledge that had recently been uncovered by a landslide. They'd built a one-room cabin, and a dug-out a hundred yards away for their food and tools.

A month ago, a premature explosion of dynamite had killed old Pete. Then suddenly another landslide had roared down the mountain-side, covering the dug-out under tons of rock, dirt and snow, barely missing the cabin. They'd been left with only a few blankets, their cooking utensils—with nothing to cook—and several sticks of worthless dynamite.

Without food, they'd been left with only one choice—flight into the lowlands. For hours the blizzard had been a dark, quarrelsome thing skulking like a wild beast among the higher peaks. This morning, it had pounced suddenly. And from that moment, in their wild, bitter hope for survival, Johnny and the girl had fought doggedly toward the old deserted prospector's cabin on Wilwaw Creek...

JOHNNY GORT stopped, braced on wide-spread legs, peering desperately through the curtaining snow. He'd seen something move up ahead. At first he'd thought it was a wolf or a dog.

Then he saw it was a man.

The man was down in the creek bed. He was swinging an axe, chopping at the thick ice. Then he dropped the axe, picked up a pail from the ground, dipped the pail into the hole he'd made. He clawed up the slippery creek bank with the pail of water.

With a hoarse cry, Johnny Gort stumbled forward into the man's path. He was still clutching the girl in his arms.

The man saw him then. He stopped,

flung the pail to the ground, grabbing up under his coat. He stood there, head jutting forward like a turkey buzzard as he stared at Johnny Gort, like he thought maybe he was seeing a ghost. He was swathed from head to feet in a huge coat, but Johnny could see that he was gaunt, with thin, dark features.

The man called out, "Who're you, and what're you doin' here?"

"We're lost," Johnny said hoarsely. "We're freezin'—we've got to have shelter. Where's your cabin?"

"Who said I had one?"

"You wouldn't be here without shelter. Are you lost, too?"

The man spat, and now Johnny saw that only one eye showed, with a black patch over the other socket. "Naw, I ain't lost. We got a cabin—me and Shanghai Krug—right over there. Plenty fire, plenty grub. What yuh got there?"

"A girl," Johnny said impatiently. "Take us to the cabin."

"Sure, I will." One-Eye was looking at the pack mule. "What about the pack-ass—what's in the pack?"

Johnny Gort was becoming savagely angry. Through a rift in the snow he glimpsed a cabin, back a hundred feet from the creek. Ignoring One-Eye's question, he turned and reeled toward it. Letting the pail lay, One-Eye followed.

Ann stirred, murmured, "What is it, Johnny? I heard you talking to somebody. What's happened?"

"We're safe, girl—we've found the cabin! Somebody's there, I don't know who, but it doesn't matter. In just a minute now we'll be warm!"

The girl sighed, relaxed.

One-Eye was stalking along beside them, watching Johnny slyly with his one orb, hand still under his coat. His voice had a nasal twang.

"So yuh've got gold on that pack-ass? Some folks have all the luck. Me and my partner, Shanghai Krug, have been prospectin' these deserts and mountains a long time. Never found more'n enough to keep us in grub and tobacco. I guess Shanghai'll be glad to hear you two struck it rich."

Johnny said nothing. He knew there

was no use denying that they had gold in the pack. He was straining with his whole being toward the cabin. He could see light through a window, smoke whipping from the chimney.

ONE-EYE jumped ahead of them, and banged on the door. As the door opened, a wave of heat crowded out and hit Johnny's face. He glimpsed flames curling up from logs in a fire-place. Then the figure of a man almost filled the opening—a huge, red-bearded, bearlike man. He peered with slanting tawny eyes out at them.

"Where's the water, One-Eye?" Shanghai Krug demanded. Then he saw the others behind One-Eye, and suddenly there was a gun in his hand. "Who in perdition yuh got there, One-Eye?"

"Visitors," One-Eye said, grinning. "A couple that got lost in the blizzard. One's a girl. And one's a pack-ass loaded with gold."

Johnny said angrily, "Can't you see we're about frozen?" He shouldered One-Eye roughly aside and stumbled toward the door.

Krug didn't move, except to jiggle the gun.

"Not so fast now! We're pretty crowded here—I don't know whether we got room for two more."

Johnny stopped, utter amazement for an instant supplanting his anger. "Maybe you didn't understand me," he said carefully. "We're nearly frozen. We've got to have shelter—and there's not any shelter except this cabin."

"I understand, all right. And I still say we're pretty crowded!"

Johnny Gort stood very still, trying to grasp the full meaning of this. Here were warmth, food, life. And here were two men who, for some incredible reason, were refusing to share these things with two others who were dying. It didn't make sense.

He had no gun. Somehow, in the hurried departure, he had left it behind. He was helpless.

He said savagely, "The only way to keep me out of the cabin is to kill me!"

"Try it, and that's what I'll do," Shanghai Krug growled. "The girl too. You'd hate to see her die, wouldn't you? Maybe she won't have to; maybe we could figure out a way so it wouldn't be so crowded. One-Eye, you come inside."

One-Eye stepped quickly into the cabin. Johnny stood a moment staring blankly at the closed door. He felt numb and bewildered inside, but he was bitterly angry too. Of one thing he was grimly certain: Unless they got inside that cabin, and very soon, they were doomed.

Pines hemmed the cabin, their branches overhanging the roof. Nearby was a nest of low cliffs. Johnny turned and stumbled with Ann Denny toward these cliffs. In the lee of one of these walls he huddled on the snow-covered earth, sheltering Ann the best he could with his own body. But even here it was bitterly cold.

Ann stirred, whispered, "I don't feel the fire—you said—"

"Just a little longer," Johnny said. "Go back to sleep."

Just then the cabin door opened and One-Eye came out. He stood a moment, peering about with his one eye. Then he saw them and scuttled toward them. He stopped looking down at them.

"Well, can we go in now?" Johnny demanded.

One-Eye shook his head sadly. "Shanghai says we're still pretty crowded. That is gold on that pack-ass, ain't it?"

"Yes, it's gold, forty pounds of it," Johnny said savagely. "What of it?"

"Well, Shanghai says that cabin and all in it belongs to us, because we got here first. He says looks like we oughta have a little pay for sharin' it!"

"You greedy, filth-eatin' buzzards!" Johnny clawed to his feet. "You'd watch a girl freeze and whine about pay? I'll—"

"Easy!" One-Eye backed hurriedly away, hand under his coat. "It's little enough to pay for livin', looks to me like."

"What do you want?"

"The gold. Ain't your lives worth that much?"

Johnny Gort forced himself to calmness. Now he realized the greedy, soulless type of men into whose clutches he and Ann Denny had fallen. Krug and One-Eye held the whip-hand.

"We could just take the gold, and let you two stay out here and die," One-Eye was saying. "But that wouldn't be legal, it might get us into trouble. Ain't against the law to make a fair swap, though, is it?"

That was true, Johnny knew. The gold, in return for their lives—Ann Denny's life. No, it wasn't too great a price to pay, even though all their dreams and hopes for the future were in that rawhide bag with the gold. But they could dig more gold.

Then a warning bell seem to clang in his brain. Krug and One-Eye wanted to gain control of the gold legally, if they could, with maybe something in writing to prove it and put them in the clear. But that didn't mean that they would let Johnny Gort and Ann Denny live afterward. They were playing a cunning, deadly game.... Giving them the gold wouldn't save their lives.

"Well, what'll it be?" One-Eye asked impatiently.

ANN STIRRED, murmuring incoherently. She was only asleep, not frozen...yet. She needed warmth, and there was no warmth here—only the trumpeting wind, and the sleet and snow, and the death that was slowly and relentlessly tightening its icy talons about their throats.

He cursed One-Eye suddenly, fiercely.

"You filthy rat!" he raged. "Neither of you are fit to live. You go back and tell that fat swine to Hades with him and his cabin!"

One-Eye hissed like an angry buzzard. He said wickedly, "You crazy dumb fool!" and whirled and scuttled back toward the cabin, big coat flapping about his skinny form.

Johnny Gort had crouched again beside Ann Denny. But now, as the door closed on One-Eye, he leaped to his feet and ran stiff-leggedly to-

ward the pack mule that stood nearby with its rump to the wind.

Hastily, he rummaged in the pack. His fingers were so numb that it took a full minute to do what he had to do. Then he turned and went toward the cabin. On the near side was a pine tree, the bole of which was almost against the cabin wall. Johnny Gort wrapped his arms about the pine and started clawing frantically upward.

The tree trunk was ice-coated, and several times he despaired of making it, but he did, and a moment later was on the cabin roof. He started clawing up the slippery roof. The wind shrieked and hammered at him, threatening to slam him against the hard earth below. Sleet slashed at his face. But he clung doggedly, fighting upward inch by inch, knowing that if he lost this gamble both he and Ann Denny would probably die.

And finally he crouched at the top, one arm clamped about the chimney that jutted only inches above the roof. Slowly, carefully, with his free hand he took a small object from his pocket. This object he dropped down the chimney.

THEN HE turned, feet first, and turned loose all holds. With amazing speed he shot down the ice-coated roof. He reached the edge, plummeted over, into space. He hit the ground with a jarring impact, rolled, slammed against the bole of a pine with numbing force.

At the same time he was aware of a dull, blasting roar. The cabin seemed to quiver and buckle, and flame leaped out through the shattered window.

Still stunned, but knowing what he had to do, Johnny Gort lunged to his feet. He ran at the cabin door, slammed into it, drove it inward. The room was a shambles. A table lay on its back, splintered. A portion of the fireplace had been ripped away. Coals and live fire brands were scattered over the room.

Both Shanghai and One-Eye were on the floor. One-Eye lay huddled against the wall, not dead, but dazed

and whining. The bearlike Krug was on hands and knees, struggling to his feet. Blood was running over one side of his red-bearded face.

While still in a crouched position, Krug saw Johnny Gort. He hurled himself forward, with incredible speed for a man so huge, like a charging grizzly.

Johnny snatched up a stick of wood that was smouldering at one end. He evaded Krug's wild charge, brought the club down across the red-bearded giant's head. Krug stumbled, slammed violently against the wall. He almost sagged to the floor, but clawed at the wall and turned slowly, fury a wild and wicked thing in his round little eyes. He braced himself on columnar legs for another savage charge.

But Johnny Gort didn't wait for that wild lunge. He drove at Krug, slashing and hammering with the club. Krug belowed with pain and rage and tried to retreat. But Johnny followed, and without mercy beat

the giant down to the floor, where he finally lay battered and senseless.

Hastily, Johnny scooped back into the fireplace the blazing embers that threatened to set the cabin on fire. With rawhide thongs he found he bound Krug and One-Eye. Then he looked appraisingly about the room. It was pretty badly battered, but with the exception of the window—over which boards could be nailed to keep out the cold—serviceable.

A stick of dynamite, Johnny Gort reflected, was a powerful thing for its size.

He turned and plunged from the cabin. He ran to the nearby cliffs, lifted Ann Denny's slender body in his arms and stumbled back toward the cabin. And it seemed to Johnny Gort that he carried in his arms all the golden dreams he'd ever had.

THE END

10 Complete Western Stories

featuring

VENGEANCE BOUND

By T. W. FORD

GUN-BOSS OF CIMARRON VALLEY

By CHUCK MARTIN

THE SOUTHERN CROSS

By ROE RICHMOND

In The September Issue Of

**FAMOUS
WESTERN**

LAW-DOG of the OWLHOOT

By Ruel McDaniel

A True Story

JOHN LAREN signed the official oath of office that made him sheriff of Shackelford County, Texas, and as he shoved back his chair to get up and pin on his brand-new star, Justice-of-the-Peace Kaintuck interrupted.

"Yore f'ust job, Sheriff. Shorty Collins. Murder," Kaintuck said dryly. He handed the new sheriff the warrant. "Good luck, John."

John Selman, newly-appointed deputy, pinned on his badge, too, and yanked at the two tied-down, eight-inch barrelled .44s at his hips. "Well, Sheriff, what we waitin' for?"

John Selman had ridden into the Flats, the honky-tonky town that squatted among the mesquites at the foot of Government Hill, near the gates of old Fort Griffin. Stories of his deadly .44s had ridden ahead of him, and more stories continued to trail to the ears of those who were interested. Some of them intimated that Selman's guns had not always been used on the side of the law, but that made little difference. It was the custom in those days for boom towns to hire experienced gunmen as law-dogs. If some of that experience had been outside the law—well, you needed a gunman to get a gunman.

Without hesitation, Sheriff John Laren and Deputy John Selman accepted the warrant for the arrest of notorious rustler-killer, Shorty Collins. Even as they stepped outside the little court-house, Shorty and four cowboy companions began painting The Flats the color of Red River in flood-time.

Sheriff Laren blocked Collins' way and said, "Put up your hands, Shorty. I've got a warrant for your arrest!"

Collins, for a fleeting second

startled at the temerity of any law man who tried to arrest him, snapped his hand to his two guns. The barrels didn't quite clear leather. A slug from Deputy Selman's right-hand .44 made a hole through Shorty's left breast. Laren had to step back to give the outlaw space to fall.

The fallen outlaw's four companions apparently sized up the situation in a glance and kept their hands away from their guns, for Sheriff Laren's guns were out now and he and his deputy were ready to mow down any friend of the dead Shorty's who wanted to question the play.

News of the killing spread to the deepest haunts of The Flats and it sent a chill through some of the gang of hustlers, card-sharps, rustlers and loafers who had found the boom town sprawled in the mesquites at the foot of Government Hill easy pickings. The place had sprung up without plan or intention, as a result of the building of Fort Griffin, a new and busy outpost in West Texas. Sixteen miles distant was the new and more presentable village of Albany, the county seat, but not all its citizens wore Sunday clothes either.

THE LAWABIDING citizens of the county, tired of the easy-going ways of the old Sheriff and more tired of the bold depredations of outlaws, ran John Laren for the job and he was elected by a big majority. He was "one of them", so to speak, and that counted with the ranchers. He had ridden down the trail from Fort Dodge with some of the boys returning from driving cattle up to Kansas and had got a job on a Shackelford County ranch, a few miles from The Flats. He made such a reliable hand that it was not long

before he was top-hand, and then the rancher made him foreman. From there, he married the ranchers's daughter.

He managed to get a few cattle together and he built a rock house on his own little spread; and here he lived with his bride when the citizens made him sheriff.

And now, with Shorty Collins taken care of quickly and the news of this exploit making the outlaws stand up and take notice, the good citizens sat back and slept better at night. John Laren and his deputy had the situation in hand.

It looked as though the confidence was well-placed, too, for within six months, the new sheriff and his deputy, who went with him everywhere, had tamed The Flats to a greater degree than any lawman ever had done before in a full two-year term. The lawabiding citizens were proud of their inseparable lawmen, even if they did continue to hear whispers about John Selman's past. Deputy Selman knew a lot of the fancy-vested boys around The Flats from other days; and at night, after the sheriff rode out to his ranch, Selman often visited his old cronies. But even that was all right with the citizens. A man had a right to pick his friends, as long as he did his job.

THE ARMY garrison at Fort Griffin was growing and when it came time to let the contract for beef, other ranchers were glad to see John Laren land it, for the sheriff's job paid little and a man doing such a good job deserved more money. Laren agreed to supply three beeves a day to the fort.

It wasn't long after that when ranchers began to miss cattle from their herds. Invariably the rustled cattle were prime beef stuff. The ranchers thought nothing particularly about it at first, because there naturally were some rustlers in the county and it was not entirely beyond the realm of reason that some of the big herds driven from South Texas should increase a little here and there as they plodded through rich ranch country with local herds grazing heraby.

The Sheriff and his deputy brought in an alleged rustler now and then, but the arrests seemed to make no difference in the number of cattle missing. And finally the ranchers began to ask one another questions.

There was considerable unuttered suspicion directed at the sheriff, but because he was so well considered by the law-abiding citizens and had such excellent family connections through his marriage, nobody for a long time dared share his suspicions with his neighbors.

Finally one hard-bitten oldtimer said, "You can call me anything you like. But I think John Laren and Deputy Selman are stealin' them cattle!"

And his open accusation set tongues wagging. A few of the men whose losses were heaviest started a secret investigation, and they found that John Laren couldn't possibly raise enough cattle on his little two-bit spread to supply three yearlings a day to the Army; and Selman made no pretense to ownership of any cattle. Furthermore, neither had bought any cattle.

The investigation revealed nothing; but it raised enough stink to beat John Laren at the next election. And when Bill Cruger, his successor, took office, one of his first acts was to try to get to the bottom of the rumors about the deposed sheriff and his deputy. He appointed an investigating committee and members of it were Laren's father-in-law and one of his brothers-in-law.

One of the first things they encountered was a report of the disappearance of two men whom Laren had hired to build a mile of rock fence. Laren said they just picked up and left without drawing pay for their work. The story didn't sound just right to the investigators.

Then a "nester" named Lancaster suggested that the investigators drag a deep hole in Clear Fork Creek, near the Laren ranch. "You might find them two fence-hands," he hinted.

WHAT the investigators found had no resemblance to missing men, but it might as well have been the fence-builders, as far as it con-

cerned Laren and Selman. They found two hundred cow-hides bearing many brands. All the brands were the property of local ranchers.

Still, Laren and Selman were not arrested. Suspicion pointed stronger at them, but even these 200 cowhides with many brands didn't prove that these two men had stolen and butchered the cattle.

A few days after discovery of the hides, Lancaster failed to return home one night and his wife ran weeping to the sheriff. She felt something terrible had happened to her husband. The lawman delegated Deputy Jim Draper and a posse to search for the missing man; and next morning they found him, hidden in the car brakes along the creek. He was wounded.

He said Laren and Selman had shot him, after trailing him several miles down the creek. He had managed to escape into the brakes and they finally had given him up for dead and left the scene. He was hauled to Albany, where he swore out a warrant, charging the deposed sheriff and his deputy with attempted murder.

These events piled so rapidly upon each other that Laren and Selman were not even aware that Lancaster was still alive. Therefore, when the sheriff and a posse rode out to Laren's ranch, they caught him milking a cow; and he had on no guns. He surrendered only after pleading with the sheriff to allow him to buckle on his guns and shoot it out with the posse.

They hauled Laren to Albany and jailed him, setting up a strong guard.

They expected Selman to rally a gang of his friends and attempt to rescue the former lawman.

During the months leading up to the final discovery of the rustlers, a lot of citizens were growing weary of the slow-plodding of the law and they organized a Vigilance Committee. That night the guard around Laren was surprised, but not by Selman and his gang. Men wearing masks surprised the guards, disarmed them and tied them up. Eleven of their number strode into the jail and brought out the double-crossing former sheriff. They stood him up under a tree in the middle of town and fired eleven Winchester bullets into his body.

Other members of the Vigilantes started looking for Selman; but one of Selman's scouts had been watching from a hill nearby and as soon as he had seen the drastic turn of events, he raced back and reported to Selman in The Flats.

Next day a posse picked up the trail of Selman and a large gang and followed it for more than a hundred miles. In the rugged Caprock country, they lost the trail and returned empty-handed.

News trickled back that Selman did not stop until he crossed the Rio Grande into Mexico. At any rate, they heard in Albany fifteen years later that a policeman in El Paso named John Selman had killed John Wesley Hardin, Texas' most notorious killer. He shot him in the back.

THE END



BUY

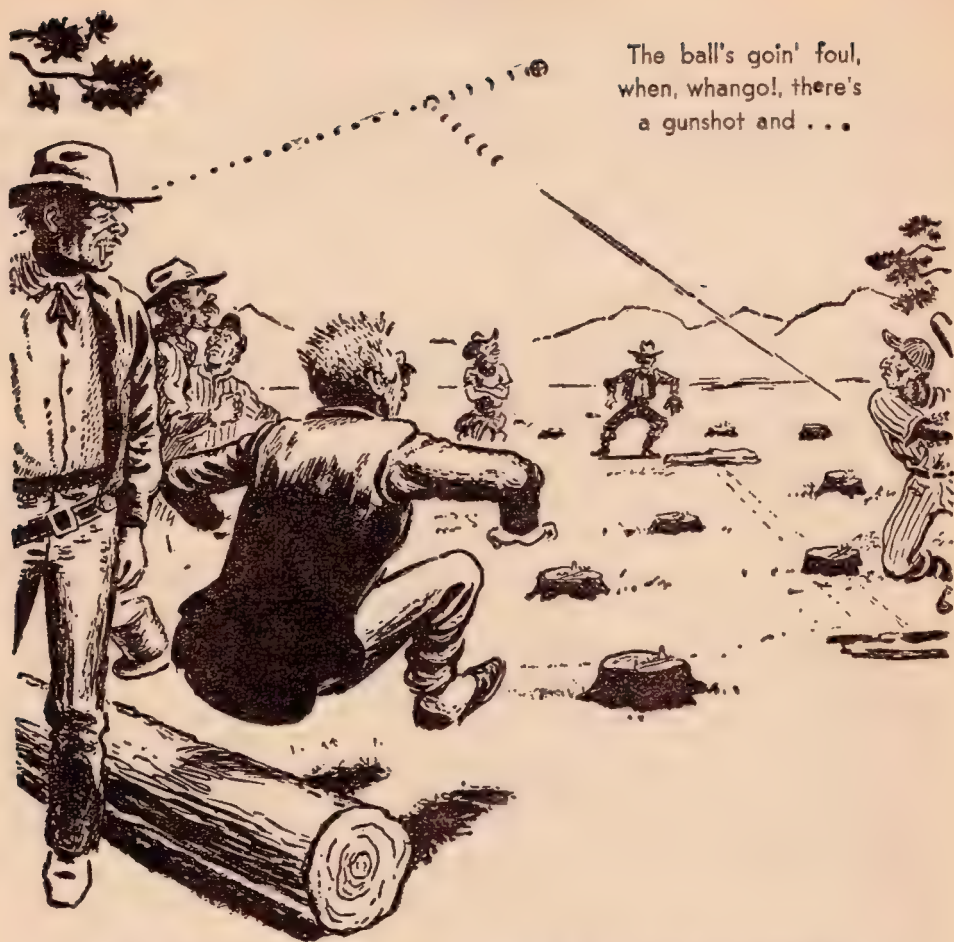


VICTORY



BONDS





The ball's goin' foul,
when, whango!, there's
a gunshot and . . .

All That Glitters is Not Goldie!

By Tom Thursday

Sink yore teeth into this he-man saga, pardner—about a baseball game in the Old West where men and umpires died with their decisions on!

IT WAS ABOUT six months since Grant struck out Lee in the final game of the Civil War series that we get the dumb notion that we have organized the world's best ball club and commence trimming everything wearing whiskers around New York and New Jersey.

We call our galloping goons the *Honest Abes* although the fellow in the White House never done nothing to us. The manager is selected not because he is the best thinker but because he is the best stinker and can lick hell out of all the rest of us. His name is Rufus Delancey Stuy-

vesant and he is a half-ape that never learned his algebra and biology on the Bowery where he learned everything else including how to duck the police on a moonlight night.

Well, we are very proud of the *Honest Abes* account of we have smacked over the *Weehawken Wee Wees*, the *Hoboken Hobos* and have give a severe slap in the tonsils to the *Brooklyn Baboons*, whilst the *New York Yokels* have been beat so bad that they disband and play marbles. After which we look around for other worlds to conquer and can't find any, which upsets Rufus Delaney Stuyvesant very much, indeed, because he has become used to the easy money we have won in the games and is a very fancy dresser.

We are talking this serious condition over one night in the back of Bloody Bob's Art and Culture Saloon when the swinging doors pop wide and in comes a cross between Daniel Boone and P. T. Barnum. This stranger is wearing high boots, hair-pants, a hat that is big enough to cover two acres of Broadway and a grin that opens his mush like a draw bridge. At the moment we are all engaged in intensive study of a pair of dice that do not seem to satisfy any of us including Rufus Delaney Stuyvesant. To break down and tell the terrible truth the rolling ivories are as cold as a polar bear's beakus and only one gent has made a pass or natural in fifteen minutes.

"Howdy, folks," says the newcomer and struts over to the dice table and takes a glim at the cash on hand. Then he clucks his tongue like a rooster finding a whole family of angleworms and raises a few well-sheared eyebrows. "I never seed anything like this," he says. "Is this a game or what might it be, partners?"

Nobody pays no mind to the smiling sap and it comes Rufus' turn to toss the dice; when we all fade him and there is no less than fifty silver cartwheels in the middle of the table Stuyvesant throws the cubes and they stop across the table at exactly ace-deuce, which means—in case you are a stranger—the old crappers and you lose. Rufus roars with rage and

begins to make some remarks that my dear old Sunday school teacher forgot to include in her lessons and sparks fly out of his beard.

The stranger looks sober for a moment, then dives into his poke and extracts a half-ton of \$20 gold coins, with which are included for variety a sprinkling of silver. Rufus gives same a very interesting glance and practically smacks his lips in the stranger's face, and then the newcomer says, "If this be a game I would sure like to play it."

Rufus engineers a smile that must of killed him and says, "Good friend, you are welcome to our little pastime. My name is Rufus Delaney Stuyvesant and I am the sole owner, proprietor and the whole boss of the *Honest Abes*, which same you have no doubt heard about in all parts of the world. We are the champeens of all champeens—"

"Partner," breaks in the newcomer, "my name is Josephus Tecumseh Golden, from Arizony, and I am right delighted to hear you talk about owning some baseballers because," goes on Josephus, "we have a team of cut-throats out in Mt. Dumb that I positively have no use for. Now—"

"Leave us not talk about baseballers," says Rufus, who towers over Golden by at least a foot and a half and outweighs him by no less than a mere ninety pounds. "Leave us dally with the festive game of dice, than which there is none whicher, and what's more you may earn a few honest dollars if you have any luck what the so ever."

WELL, RUFUS and Josephus play a two-man game. Josephus begins shooting with \$20 gold coins and Rufus has to match them which is very sad, indeed, for Mr. Stuyvesant. The boy from the west starts off throwing six straight sevens and then for his eighth toss makes an eleven, which totals seven passes in all. Then he comes out with a little four, a very difficult number, and makes his point on the third toss. All the time he is very surprised that he can earn money so

easy and Rufus is getting madder than a town crier with a sore throat.

Soon Rufus is broke completely and makes a proposition to Golden.

"I hear you say you like baseballers," says Rufus. "Well, I will see what sporting blood you have in your hide, and I will wager the *Honest Abes* against one thousand dollars on one single throw of the dice."

"I do not understand," says Golden, "but if you will explain I will be most happy to oblige you."

"Listen," says Stuyvesant, "we call this quick game high-man-wins. For instance, I will give you a free demonstration. First, you throw the dice."

Golden bounces the cubes against the side of the table and they stop at 5.

"All right," says Rufus, "and since you have made the point of 5, I must roll a 6 or higher. You understand?"

"Oh, yes, sir," says Josephus, with his frank grin. "It is very plain, sir."

Rufus rattles the dice in his hand and let's 'em bank against the right wall. They stop at box cars, or 12, the highest numeral on the cubes. Rufus beams like a cat discovering an overpopulated village of mice, and says, "It is a good thing for you that we was just demonstrating. All right. Now we are gonna play in earnest and you can throw them first."

"You mean the man who gets the biggest number either wins my thousand dollars or wins the *Honest Abes* baseballers club?" asked Golden.

"Right," says Rufus. "Roll 'em out."

Golden does some choice and fancy shaking of the cubes and then he hurls them down the table. They hit the back wall, bounce half-way to the middle, then come to rest on no less than 11. Rufus blinks and you can see that he would like the dice to have numbers higher than 12, so he could maybe get 36 or even a 100.

"You are very lucky," says Rufus, "do you carry maybe a horse-shoe in your pockets or a rabbit's foot?"

"All I carry in my pocket," says Golden, "is an old horse chestnut that mommer give me to keep away

whooping cough and measles. Do you think it is lucky for me?"

"That," says Rufus, "I would not know," goes on Rufus. "that is the second 11 tossed on them dice all night, and by you." Then he takes the dice and looks at them reverently. Little cubes," he says, if you have a 12 on you any place you will oblige by showing same on this here table."

He rolls the cubes in both hands for a moment, spits some cut-plug on them for luck, then let's 'em roll down the table. Big twelve!" he yells.

They stop at two aces, the lowest point, and Rufus looks toward Heaven to see what the trouble is.

"Well, now," grins Golden, "it looks like I have won a club of baseballers and I am very proud of all of you. However," he says, putting his arm around Rufus, "I want you to still be the manager and big boss because I am not up to date on such a fine club."

"What do you intend to do with the *Honest Abes*?" asked Rufus.

"If it is all the same to you fellers," says Golden, "I aim to take you all out to Arizony and whup hell out of the *Coyotes* and a few other teams that play rather strange and rough. They have made me very mad the way they play and I do not care for them at all."

"You mean you have baseball out in Arizony?" asked Rufus. "I thought only Injuns and folks in covered wagons lived there."

"We have everything," says Josephus Golden, "including bank robbers and cattle thieves. However," goes on Golden, "I am a member of the new Vigilantes and we aim to clean up the cutthroats and the like. Among the cutthroats I suspect is members of the *Coyotes* team of baseballers."

"You mean we can have some fisticuffs and scrapping?" asks Thoid Avenue McCosker, our short stopper.

"I don't know what you mean by fisticuffs," says Golden, "but if scrapping is fighting with galloping lead, we got plenty of same. I trust you fellers can shoot good?"

"If you mean craps," says Rufus, "You have just seen a demonstration. But if they would like to be entertained with fisticuffing, why, we have some very fine fist-floppers. You take Over-the-Bar Burke, my second baseman. He has knocked the living lager out of everything on or off the Bowery. And he is a very quiet lad who minds his own business."

"What does Over-the-Bar stand for?" asked Golden.

"Well," says Rufus, "he is a bartender by trade and when some bum gets nasty and leaps over the bar after him, Burke picks him up—after he is knocked flat on the floor—and tosses him over the bar."

"I'm afraid he will not have a chance with our two-gun gents in Mt. Dumb, Arizony," says Josephus. "They are very good with trigger-pulling and before you could hit them with your fisticuffing they would season you with lead."

"A fine bunch of yellow-bellies," says Musclehead Hogan. "Any tramp can fight with guns. Me, I like the man-to-man stuff with fists, chairs and even tables, if need be."

TWO DAYS later we are aboard an Iron Horse or choo-choo train headed for Mt. Dumb, Arizony. The trip takes eight days and so we get a chance to get acquainted with Josephus Tecumseh Golden. We find him a very nice and congenial lad and we promptly shorten his last name to Goldie. He is full of practical jokes but never does anything to hurt any one or make you mad.

"What position do you play on the team back home?" asked Rufus.

"Oh, I am no longer associated with the *Coyotes*," says Goldie. "But when I played I could do almost everything from pitching to playing umpire."

"Playing umpire, huh?" says Rufus. "Well, now, I am glad to hear that they have umpires out in Arizony. It kinda helps keep the game from getting out of order."

"But they do not care for the umpire," says Goldie, "unless he is always on their side. And you know a

umpire has to be on both sides. Is it not so?"

"'Tis so," says Liverwurst Schmalz, whose parents owned a delicatessen store around Union Square, and who plays pitcher, catcher and even center field for the Honest Abes. But not all at the same time, understand.

"What happens to the umpires out in Arizony?" asked Rufus.

"Some last two innings, then are hung to a tree," says Goldie. "Some last three innings, then are shot. Some last four innings, then are hung and shot. Some—"

"What happens to a umpire who finishes a whole game?" asked Over-the-Bar Burke.

"I really do not know," replies Goldie. "I never heard of any umpire finishing a whole game. The record was held by a feller who lasted six innings."

"How did it happen?" asked Rufus.

"General Custer and his regiment happen to be watching the game and the fellers was afraid to get too rough and played nice and gentle, right up to the sixth inning," says Goldie.

"Then what?" asked Rufus.

"Then a scout rushes up and tells the general that some Injuns are doing some wholesale scalping in the next county, and so the general and his men have to race off on the double-quick. Before the last soldier was over the hill players from both the *Coyotes* and the *Miners* rushed the umpire and dumped him into the creek. Last heard of the feller he was floating down stream toward the Grand Canyon."

"Got any life insurance companies out there?" asked Rufus.

"Nope, just saloons, gambling halls, cattle and undertakers. The undertakers make more than the saloons, and each one has his own private cemetery."

By this time the train is plowing through Missouri and we are disappointed that we have not been held up by outlaws; however, the only form of highway train robbery we meet is when the conductor comes through and demands fares, and this

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BLUE RIBBON WESTERN

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is sadly legal. He comes through after the train reaches every county line and whinnies for more money. We cannot see much difference between him and a bandit, only a bandit rides a horse and the conductor rides wheels.

WELL, WE finally reach a slab called Rear End Gulch, where we have to get off the train and ride a stagecoach for twenty miles into Mt. Dumb. The boys do not care for the stagecoach riding as it is very hard on the kidneys and makes you seasick to boot. Ten miles this side of Mt. Dumb a wheel comes off our coach and we all land on some cactus by the side of the road. Rufus remarks that his lawyer back in New York will hear about this outrage but the driver says that it is always open season on lawyers in dear old Arizony and that the last six who come out to collect any damages became appetizing and profitable treats for the embalmers.

When we finally arrived at Mt. Dumb we are met by several members of the Vigilantes committee and they are very happy, indeed, to see Josephus Tecumseh Golden. He had written them that he was coming with the world's best bunch of baseballers and so they took us to the Hotel Angel Face, the best trap in the town. It is a very friendly bug-and-beer sanctuary and even the mice came out of their holes to cheep us a welcome and the chair that Rufus sits on had a leg come off just to show him that it is happy to see him.

Next morning several members of the Vigilante committee call on one Buckshot Clunker, who not only manages the Coyotes but likewise is boss of the burg, the county and also the marshal. They make Clunker a proposition, viz., if the Coyotes will play the *Honest Abes* for a side bet of \$5000, the loser is to leave Mt. Dumb and never show up again. The idea is to clean up Mt. Dumb of all its riff and raff and that includes Brother Clunker.

Clunker accepts the proposition, feeling sure that he and his bums will remain in Mt. Dumb whilst the *Honest Abes* will be lucky if they

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He throws the coin in the air and Rufus cries 'Tails', and Buckshot picks up the coin and says, "Aw right, Eastern breeches, it don't make no never mind who bats first. We can't lose, anyways."

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BLUE RIBBON WESTERN

(Continued From Page 98)

A shorty named Honest Hank Flunkle is umpire and he is controlled body and whiskers by Buckshot Clunkle. Our first man up is Liverwurst Schmalz, our pitcher, and Liverwurst clips the first ball for a liner to shortstop. The sap at short fumbles it and throws it to first at least an hour after Liverwurst gets there. Honest Hank looks toward Buckshot Clunker and Buckshot yelps, "Out!"

Honest Hank cups his fists to his fists to his mug, and echoes, "Out!" Liverwurst is very mad at this decision and refuses to move. Pretty soon a few bums come from the side lines, pick Liverwurst up by the neck and pants, and remove him from first.

"What are we supposed to do about that?" Rufus asked Goldie. "These men are crooks!"

"Do not worry," says Goldie. "I told you how they played but do not worry. Something will turn up and we will win in the end."

"Which end?" demands Over-the-Bar Burke, with fists clinched. "I think I will go out there and bust some one in the snoot!"

"Oh, no," says Goldie. "You cannot fight guns with bare fists. Do not worry. Something will turn up and we will win in the end."

Musclehead Hogan is the next man at bat and he lams the first ball for a positive homer. It begins to sail high over the pitcher's head and aims for center field. Just as it is about to descend, and land forty yards beyond the center fielder, I hear a shot from the left side of the woods. A second shot follows a moment after and then, what do you think? The ball suddenly stops in midair and lands right behind first base!

"Foul ball!" yelps Honest Hank Funkle, and how do you like *that* one? Musclehead, stunned, goes back to home plate and acts like he has just had a bad nightmare.

"What about *that*?" demands Rufus.

"Do not worry," says Goldie. "Something will turn—"

"Yeah," sniffs Rufus. "But it better start turning!"

ALL THAT GLITTERS IS NOT GOLDIE

THE NEXT BALL hits Musclehead on the shoulder and Honest Hank claims it was illegal interference and calls Hogan out. What Musclehead calls Honest Hank can't be printed even on asbestos paper.

Over-the-Bar Burke is our next man at bat and he slaps a beautiful high fly toward left field. It is just passing third, en route to at least a mile over the left fielder's head, when—ping!—comes another shot from the woods and, a second later, another shot. Then the ball stops and falls foul.

"Foul!" woofs Honest Hank.

"How long is this stuff going to keep up?" demands Rufus.

"Do not worry," says Goldie. "Something will turn—"

"It better start turning," says Over-the-Bar Burke, "Or I am gonna do a little turning on somebody's puss!"

The next two balls, and they were wide balls, are called strikes and Over-the-Bar Burke is so mad he sits down in the sand and holds his head in his hands.

Now the Coyotes are up and the first man hits a positive foul fly over third. Comes a shot from the woods—ping!—and a second and then the ball jerks in midair and begins to fall in fair territory. The Coyote bandit starts for first, makes it and lands on second. Goldie is playing second which will give you a idea of why he is safe.

The next batter gets three straight strikes, only Honest Hank is a wee morsel short of eyesight and calls them all balls. Comes a fourth middle-of-the-plate strike and that naturally makes four balls. The burglar walks, putting the first bandit on third, which same he stole whilst we were all arguing.

The third Coyote hits a legitimate single and the ball is tossed to home plate in time to get the guy racing in from third. Only Honest Hank claims our catcher interferes with the Coyote gent and calls him safe. One run for the Coyotes.

Well, things keep going this way for about six innings and the Coyotes lead by a two to nothing score. At the beginning of the sev-

(Continued On Page 102)



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BLUE RIBBON WESTERN

(Continued From Page 101)

enth Goldie asks Rufus if he would excuse him from the game as he has some very important business to attend to. Since Goldie is about as useful to the team as a toothpick is to an elephant, Rufus tells him to take his time.

Then the turn that Goldie was yapping about begins to get down to business. A Coyote bams a high, fair fly toward center. It is good for a homer until it gets over second base. Then, from the other side of the woods comes a ping! and the ball gets knocked right into the foul territory. This is all very amazing and Buckshot Clunkle begins to wiggle his eyebrows in wonderment.

The next ball is hit real foul and is due for left field when a shot comes from the usual side. First comes a shot that misses, then comes two more shots, one right after the one from the right side and the two shots comes from the usual side, or where the shots started coming from in the beginning. However, the ball apparently gets smacked by the single shot and is knocked more foul than ever.

The *Honest Abes* are very pleased at this state of affairs and do not ask any unnecessary questions. Comes our time at bat and our first man taps a very positive foul toward right field. When it reaches halfway, a shot comes from the woods and—bang!—the ball is knocked into fair territory. Our boy completes the run and lands safe at home.

THIS BUSINESS puzzles Honest Hank Flunkle so much that he forgets to call balls strikes and soon we have two men on base from walks. Our next man ramrods a liner so hot that the shortstop steps to one side, not wishing to be killed by a mere ball.

By the end of the inning we are leading the *Coyotes* 5 to 2. This irks and annoys Buckshot Clunkle a lot and he begins to wonder why his great strategy has taken such a fall. We would be very glad to tell him only we didn't know ourselves.

During the remaining innings five more fair balls, due for homers, and

(Continued On Page 104)

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BLUE RIBBON WESTERN

(Continued From Page 102)

hit by *Coyotes*, are pinged into foul territory. The usual three shots are fired. Two from the left and one from the right. The one from the right always seems to get there first. It seems the gent on the left needs two tries to hit the ball whilst the lad on the right requires only one. In other words, he beats the two-shot feller to the ball every time.

The eighth inning is a riot in more ways than one. Buckshot is going plum loco trying to figure out what is happening to his ball club and guns and fists are going off in all directions. In the end we beat the *Coyotes* 7 to 2, and win all bets. Buckshot Clunkle tells us what he thinks of us and we inform him his ancestors are even worse and then the Honest Abes return to the hotel.

We are holding a little celebration party an hour later when the door opens and in comes our old pal, Josephus Tecumseh Golden, known to us as Goldie.

"Good evening, gentlemen," he says, "how did you like that turn I told you about?" Before we can ask a lot of questions, a black-mustached hombre steps out from behind Goldie.

"Gentlemen," says Goldie, his grin broader than ever, "allow me to introduce a man you may have heard about even back in the East. Gentlemen, it is a pleasure to introduce Mr. Wild Bill Hickok, the best shot in the West!"

We are all very happy to meet the noted Wild Bill and then Goldie says, "I knew that Buckshot Clunkle would play all the dirty tricks he knew and also that he would have a man in the woods who would shoot the fair balls foul and vice and versa. So I got in touch with Wild Bill two days before the game and asked him to help us out. He is always on the side of law and order and did you notice that he didn't miss a single ball? That, gentlemen, is very fine shooting."

And then we all drink a toast to Mr. Wild Bill Hickok. Make it twenty!

THE END



The Trading Post

By THE PILGRIM

BACK IN the days when the wide west was still the wide open west, unexplored, and free for the taking—from the Indians—there wasn't any UN, or any League of Nations, either, to settle the differences that will crop up among nations about their territorial possessions. Most of these international disagreements, in the eighteenth, and early nineteenth centuries, were settled very simply: Great Britain took over, and put an end to the squabbling. But sometimes even the British Colonial system broke down, and that was most likely to happen when the lords of empire came up against Yankee vitality.

The part of America bordering on the Pacific ocean that has since come to be known as Oregon, was a much-coveted land, even before the white men came. The Shoshone Indians, who lived on the desert side of the bordering Cascade mountain range, called it Oyer-un-gun, Place of Plenty, and spoke of it in their legends and stories as the land that was never too cold or hot, where no one ever went hungry or thirsty.

The white men who first explored and coastline were less poetic about it, but equally appreciative. Certainly

(Continued On Page 106)

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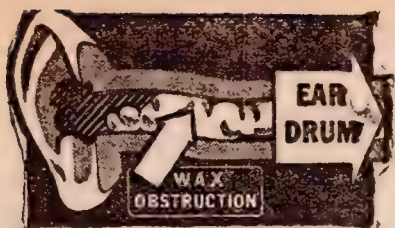
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THE TRADING POST

(Continued From Page 105)

the wealth of natural resource that the desert Indians attributed to the fabulous land was a reality. The first evidence showed up before the Europeans even got around to exploring the land itself.

It was during the American revolution that an English ship, sent out to chart some portions of the South Pacific, sailed farther north than the schedule called for, and discovered that the waters off Oregon were alive with sea otters. For years, Russia had monopolized the trade in the precious otter pelts. Now that the English knew where the valuable cargoes came from ships were sent out thick and fast.

Yankee traders came too. But the baby nation on the east coast was too busy holding itself together to send out any expeditionary forces or exploring voyages. When, fourteen years after the first ship, in 1792, a formal trip for the purpose of charting the coastline was made, it was a British expedition, under the command of Captain George Vancouver, of the cliff-naming vancouver. He sailed around the Cape to Oregon, looking, particularly for the mighty "River of the West," that the Indians, and lately some traders claimed flowed from the towering mountains to the east of Oregon, to empty into the Pacific.

He sailed past the spot that an earlier English voyager had named Cape Disappointment, a promontory that protected what Captain Meares had called Deception Bay. Vancouver found nothing in the bay to indicate that Meares might have been wrong. He was sure there was no river there, and after sailing on up the coast, he was certain there was no river at all. Finally, he gave up the fruitless search, and went on North, to keep a date with a Spanish gentleman by the name of Bodegav Cuadra.

CUADRA HAD been empowered by his Government, as had Vancouver by his, to settle once and for all the problem of ownership of these waters. Neither side had much doubt about the outcome of their meeting. Spain's only claim to the land or the

(Continued On Page 108)



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BLUE RIBBON WESTERN

(Continued From Page 100)

waters rested on an ancient, and somewhat decrepit papal decree; Britain's claim was based on a vigorous fur trade, and a very up-to-date sea power. There was no question about who would win the battle of words, because there was no question at all as to who would win a battle on the high seas.

Apparently, Cuadra was determined at least to put as good a face on the matter as he could. He is reputed to have been entertaining his guest royally on Barbados rum, when Vancouver's Lieutenant, William Broughton, came in with the news that an American trader, one Captain Gray, from Boston, had just anchored near Cuadra's fort.

It hardly seemed a matter with which to interrupt the serious drinking of lords and noblemen...until Broughton informed his Captain that Gray claimed to have found the river, and that furthermore, he had charts to prove it! Vancouver returned hastily to his flagship, and requested the Yankee Captain to come aboard.

What happened on Vancouver's ship that day is a little fantastic. Gray told of crossing the bar in Mears' Deception Bay, and sailing up the mouth of a river as great as any of the stories had claimed it to be. He had filled his casks with fresh water, had traded with the Indians along the river banks, had made charts along the way. He had gone upstream until the water was too shallow for his ship, had found the main current, and included it on his charts. When he could go no further, he and his mate, Boit, had gone ashore, and claimed the river, and all the land it drained for the United States, naming it the Columbia, after his ship.

It must have made a dramatic story in the telling. But the surprise, as in all the best stories, came at the end. Gray offered the English Captain his charts to copy! He explained that he already had a full hold, couldn't do any more trading, and was going to cruise around a little and do some exploring. If Vancouver wanted to take a look at the river, as long as he wasn't trading, the Boston Captain

(Continued On Page 110)

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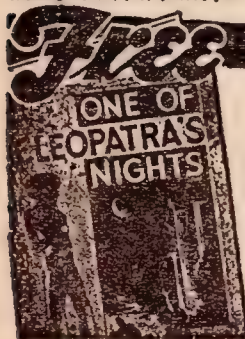
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BLUE RIBBON WESTERN

(Continued From Page 108)

would be glad to lend him the charts long enough to have a copy made.

The unconcern with which the merchant captain trusted his discovery to a competitor must have shocked Vancouver profoundly, schooled as he was in the not-niceties of international trickery. He did not, however, find it within his province to instruct the Yankee. Instead, he copied the charts, sent Broughton, in a smaller vessel than his own, up the river to check on Gray's statements, and sailed for England while Gray was still cruising in North Pacific waters.

IN LONDON, the discovery was credited to Broughton. Nobody stopped to ask or offer any information about a Cap'n Gray from Boston. The Oregon River, as it was called, was formally claimed for Great Britain by Broughton, along with all the land it drained, as Gray had suggested, because "the subjects of no other civilized nation or state had ever entered the river before."

It was more than 54 years later that the piece of treachery was finally straightened out, and the land south of the 49th parallel ceded to the U.S. by Great Britain. The years in between saw a continual reversal of positions in the territory.

Britain had the first toe-hold, by right of Broughton's claim. But Americans were the first to explore and settle the territory. Lewis and Clark traveled down the Columbia (or Oregon, as the British saw it). in 1806. In 1811, the first settlement was made by a gentleman usually connected with another part of the country, John Jacob Astor. Astor had been doing right well in the fur trade, as any current copy of the Social register will testify, and, inspired by accounts of excellent trade to be had along the river, he sent out an expedition to establish a trading post near the river mouth. The first half of the group reached Deception Bay by sea, early in 1811, the other half, traveling by land, arrived a year later.

The center of operations for the two groups was a tiny settlement, near the log cabin where Lewis and

THE TRADING POST

Clark had wintered six years before. It was named Astoria, after Mr. Astor himself, and after some initial difficulties with Indians and inexperience, was beginning to show a profit when the War of 1812 broke out.

Agents of the British North West Company, which had a fort at Fraser's Lake, farther north, immediately approached the Astoria complement with offers of purchase. The American Factor, in charge of the post, accepted readily, a little too readily. It was believed for a time that fear of his position during a war with Britain had determined his move. Later, it was found that most of the personnel of the trading post were pro-British to start with.

With the war over, Washington and London negotiated a treaty that returned Astoria to the Americans, and provided for joint occupation of the territory. From that time on, it was an open race to see which country could settle the land most effectively.

Strangely enough, it was American missionary fervor that tipped the balance on the scales of fate. The Indians who had named the land west of the mountains Oyer-un-gun, were as wistful as ever. Desert life was hard and thankless. Apparently it did not occur to them to emigrate. It did, however, dawn upon them after a while that the white men were making out considerably better than they. White men went through the mountains and returned, vigorous, well-fed, and wealthy. There must be a reason.

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(Continued On Page 112)

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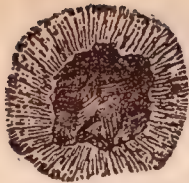
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(Continued From Page 111)

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"I purchased a belt for my husband which has proved to be the most wonderful thing he has ever worn. I wish I could put into words how much better he looks and feels."
—(Mrs.) R. E. M., Phila., Pa.

Above are just a few of many unsolicited testimonials for the Commander we receive regularly. Originals of these and others are on file.

FREE 10 Day Trial!

If it fails to do all we say send it back and the purchase price will be promptly refunded

Only \$2.98

Special Large Size \$3.98

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Send me the "COMMANDER" for ten days' trial. I will pay postman special price of \$2.98 plus postage. If not satisfied after wearing it ten days, I may return it and purchase price will be promptly refunded.

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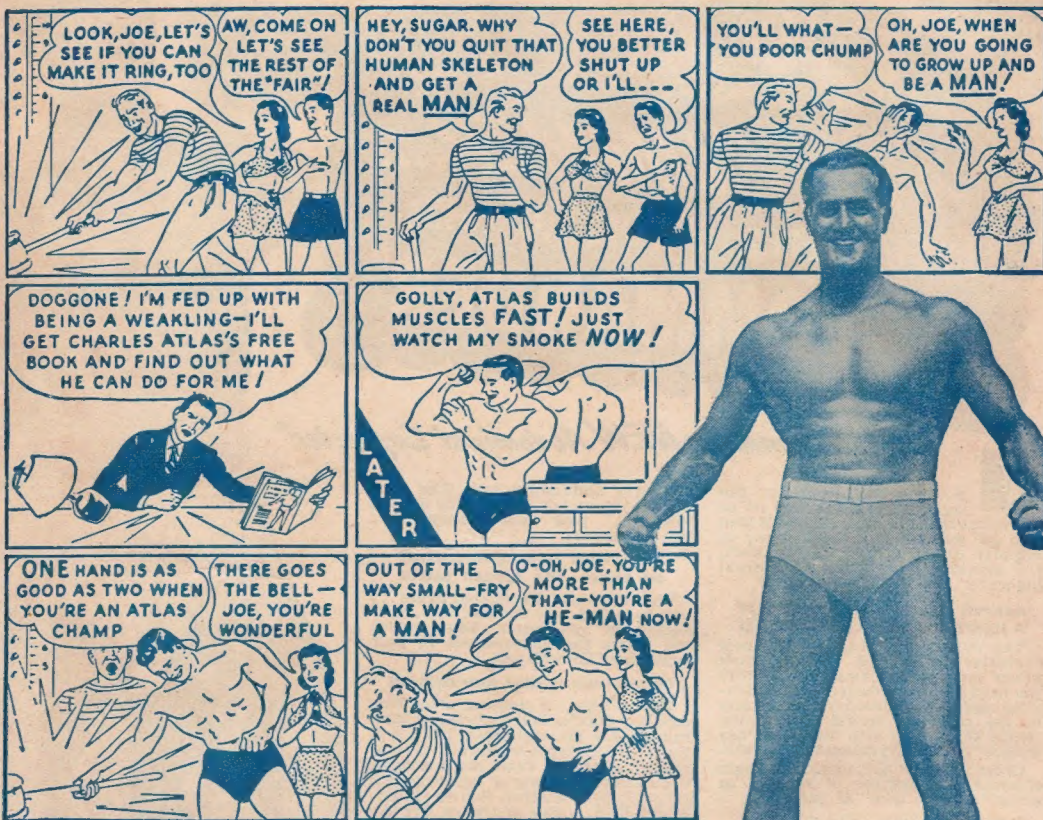


BEFORE AFTER

Improve Your Appearance INSTANTLY!

Notice how you immediately take on a more youthful, more athletic looking appearance—with the COMMANDER. This amazing supporter gives you control firm enough to support abdominal sag, yet gentle enough to make wearing the COMMANDER a pleasure.

The Insult "CHUMP" Into a CHAMP



I Can Make YOU A New Man, Too in Only 15 Minutes A Day!

HAVE YOU ever felt like Joe—absolutely fed up with having bigger huskier fellows "push you around"? If you have, then give me just 15 minutes a day! I'LL PROVE you can have a body you'll be proud of, packed with red-blooded vitality!

"Dynamic Tension." That's the secret! That's how I changed myself from a scrawny, 97-pound weakling to winner of the title, "World's Most Perfectly Developed Man."

"Dynamic Tension" Does It!

Using "Dynamic Tension" only 15 minutes a day, in the privacy of your own room, you quickly begin to put on muscle, increase your chest measurements, broaden your back fill out your arms and legs. This easy, NATURAL method will make you a finer specimen of REAL MANHOOD than you ever dreamed you could be!

You Get Results FAST

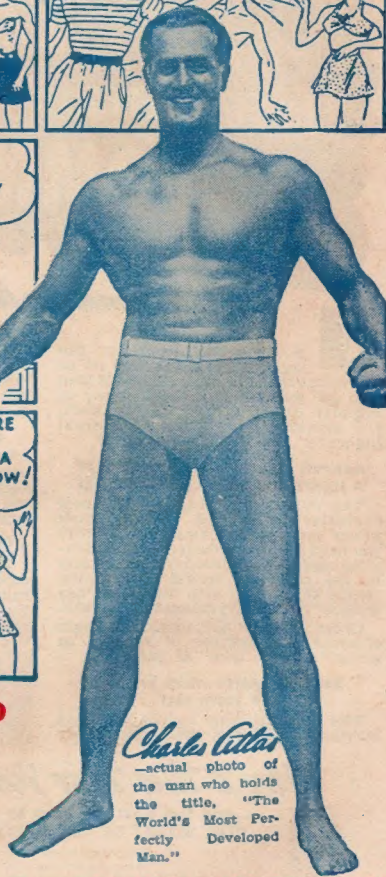
Almost before you realize it, you will notice a general "toning up" of your entire system! You will have more pep, bright eyes, clear

head, real spring and zip in your step! You get sledge-hammer fists, a battering ram punch—chest and back muscles so big they almost split your coat seams—ridges of solid stomach muscle—mighty legs that never get tired. You're a New Man!

FREE BOOK

Thousands of fellows have used my marvelous system. Read what they say—see how they look before and after—in my book "Everlasting Health and Strength."

Send NOW for this book—FREE. It tells all about "Dynamic Tension," shows you actual photos of men I've turned from puny weaklings into Atlas Champions. It tells how I can do the same for YOU! Don't put it off! Address me personally. CHARLES ATLAS, Dept. 49, 115 East 23rd St., New York 10, N. Y.



Charles Atlas
—actual photo of the man who holds the title, "The World's Most Perfectly Developed Man."

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I want the proof that your system of "Dynamic Tension" will help you make a New Man of me—give me a healthy, husky body and big muscular development. Send me your FREE book, "Everlasting Health and Strength."

Name Age
(Please print or write plainly)

Address

City State